

I certify that the attached is a true and  
correct copy of HB 2473 which  
was filed of record on MAR 09 1989  
and referred to the committee on:

Human Services

*Boaty Munssey*  
Chief Clerk of the House

1989 MAR 30 PM 3:12

HOUSE OF REPRESENTATIVES

By

*Debra Lantburg*

FILED MAR 9 1989  
H.B. No. 2473

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and  
Human Services Coordinating Council and to the existence,  
composition, and functions of certain committees that advise the  
council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is  
amended to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health  
and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol  
and Drug Abuse;
- (9) the chairman of the Texas Commission for the  
Blind;
- (10) the chairman of the Texas Commission for the  
Deaf;
- (11) the chairman of the Texas Rehabilitation

1 Commission [~~the-chairman-of-the-State-Board-of-Education,~~  
2 [~~{8}~~--two--additional--board-chairman-of-state-agencies  
3 ~~delivering-health-and--human--services,--to--be--appointed--by--the~~  
4 ~~governor~~];

5 (12) [~~{9}~~] two senators appointed by the lieutenant  
6 governor;

7 (13) [~~{10}~~] two members of the house of  
8 representatives appointed by the speaker of the house;

9 (14) [~~{11}~~] two members of the general public  
10 appointed by the governor;

11 (15) [~~{12}~~] two members of the general public  
12 appointed by the lieutenant governor; and

13 (16) [~~{13}~~] two members of the general public  
14 appointed by the speaker of the house.

15 SECTION 2. Section 131.004(a), Human Resources Code, is  
16 amended to read as follows:

17 (a) The council may:

18 (1) establish and maintain a comprehensive central  
19 data base covering public and private sector health and human  
20 services, programs, and clients that assures that:

21 (A) health and mental health communications and  
22 records privileged under Chapter 239, Acts of the 66th Legislature,  
23 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
24 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
25 Civil Statutes), and the Texas Rules of Evidence remain  
26 confidential and privileged;

27 (B) personally identifiable health and mental

1 health communications and records of persons involved in the  
2 receipt or delivery of health or human services are confidential  
3 and privileged; and

4 (C) a private source is not required to provide  
5 confidential health and mental health communications or records  
6 unless a law specifically requires disclosure;

7 (2) conduct and contract for studies of significant  
8 health and human services that may include needs assessments,  
9 monitoring and tracking services among agencies, cost analyses,  
10 forecasting, consideration of current problems of target  
11 populations, long-term results of services, and issues of  
12 multilevel or multiagency service delivery;

13 (3) serve as the primary state resource in  
14 coordinating and planning for health and human services;

15 (4) analyze federal, state, county, municipal, agency,  
16 and public/private sector relationships to coordinate efforts to  
17 plan and deliver health and human services;

18 (5) provide a central information and referral source  
19 concerning health and human services, programs, and clients;

20 (6) review existing and proposed actions and policies  
21 of federal agencies to determine the health and human services  
22 impact on Texas and recommend to the governor and the legislature  
23 alternative actions and policies consistent with state health and  
24 human services policy;

25 (7) provide advice to agencies, organizations, and  
26 governmental entities concerning the analysis of needs and the  
27 development, evaluation, and coordination of health and human

1 services;

2 (8) conduct regular and comprehensive reviews and  
3 analyses of health and human services policy and make such  
4 recommendations as deemed necessary to the governor and to the  
5 legislature; and

6 (9) before December 1 of each even-numbered year, file  
7 a report with the governor and the legislature concerning the  
8 activities of the council.

9 SECTION 3. Chapter 131, Human Resources Code, is amended by  
10 adding Section 131.0042 to read as follows:

11 Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
12 The human services interagency committee is established.

13 (b) The committee is composed of:

14 (1) the commissioner of health;

15 (2) the commissioner of human services;

16 (3) the commissioner of the Texas Rehabilitation  
17 Commission;

18 (4) the executive director of the Texas Commission on  
19 Alcohol and Drug Abuse;

20 (5) the executive director of the Texas Commission for  
21 the Blind;

22 (6) the executive director of the Texas Commission for  
23 the Deaf;

24 (7) the commissioner of mental health and mental  
25 retardation;

26 (8) the commissioner of education;

27 (9) the executive director of the Texas Youth

1     Commission;

2                 (10) the executive director of the Texas Juvenile  
3     Probation Commission;

4                 (11) the agency administrator of the Texas Employment  
5     Commission; and

6                 (12) the director of the child support enforcement  
7     division of the office of the attorney general.

8                 (c) The committee shall advise the council on health and  
9     human services policy and implementation issues.

10                (d) The committee shall meet at least quarterly.

11                SECTION 4. Section 131.009, Human Resources Code, is amended  
12     to read as follows:

13                Sec. 131.009. CHILDREN AND YOUTH SERVICES STATE COORDINATING  
14     COMMITTEE. (a) The Children and Youth Services State Coordinating  
15     Committee is created to advise [in] the council.

16                (b) The committee consists of:

17                       (1) a representative of the Texas Department of Human  
18     Services who determines policy for children and youth services,  
19     appointed by the commissioner of human services;

20                       (2) a representative of the Texas Department of Mental  
21     Health and Mental Retardation who determines policy for children  
22     and youth services, appointed by the commissioner of mental health  
23     and mental retardation;

24                       (3) a representative of the Texas Department of Health  
25     who determines policy for children and youth services, appointed by  
26     the commissioner of health;

27                       (4) a representative of the Texas Youth Commission who

1 determines policy for children and youth services, appointed by the  
2 executive director of the commission;

3 (5) a representative of the Texas Juvenile Probation  
4 Commission who determines policy for children and youth services,  
5 appointed by the executive director of the commission;

6 (6) a representative of the Texas Rehabilitation  
7 Commission who determines policy for children and youth services,  
8 appointed by the commissioner;

9 (7) a representative of the Texas Commission for the  
10 Blind who determines policy for children and youth services,  
11 appointed by the executive director of the commission;

12 (8) a representative of the Central Education Agency  
13 who determines policy for children and youth services, appointed by  
14 the commissioner of education;

15 (9) four [~~three~~] representatives from youth related  
16 consumer and advocacy groups, appointed by the council;

17 (10) four [~~three~~] representatives of private sector  
18 youth agencies, appointed by the council; [and]

19 (11) a judge involved in the placement of children,  
20 appointed by the council; and

21 (12) a representative of the Texas Commission on  
22 Alcohol and Drug Abuse who determines policy for children and youth  
23 services, appointed by the executive director of the commission.

24 (c) The council shall elect two chairmen for the committee.  
25 One chairman shall be from the private sector and one chairman from  
26 the public sector.

27 (d) The committee shall:

1           (1) analyze the capabilities and authority of each  
2 agency represented on the committee in the area of services to  
3 children and youth;

4           (2) identify gaps in services to children and youth;

5           (3) facilitate cost-effective use of existing  
6 resources by developing means for agencies to jointly fund services  
7 for multiproblem children and youth; [and]

8           (4) develop and implement a model for initiating local  
9 level interagency staffing groups to coordinate services for  
10 multiproblem children and youth; and

11           (5) undertake other duties and responsibilities as  
12 directed by the council.

13           [ ~~(d)--The--model--for--the--local--level-staffing-groups-must~~  
14 ~~recommend-specific-geographical-service-areas-for-each-group.~~ ]

15           (e) Members of the committee receive no compensation but are  
16 entitled to reimbursement for actual and necessary expenses  
17 incurred in performing their duties.

18           SECTION 5.     Section 131.0052, Human Resources Code, is  
19 repealed.

20           SECTION 6.     This Act takes effect September 1, 1989.

21           SECTION 7.     The importance of this legislation and the  
22 crowded condition of the calendars in both houses create an  
23 emergency and an imperative public necessity that the  
24 constitutional rule requiring bills to be read on three several  
25 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1st Printing

By Danburg

H.B. No. 2473

Substitute the following for H.B. No. 2473:

By Vowell

C.S.H.B. No. 2473

## A BILL TO BE ENTITLED

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relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended to read as follows:

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- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [~~the-chairman-of-the-State-Board-of-Education;~~



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23 human services policy;

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12           (b) The committee is composed of:

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16 Commission;  
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18 Alcohol and Drug Abuse;  
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21                   (6) the executive director of the Texas Commission for  
22 the Deaf;  
23                   (7) the commissioner of mental health and mental  
24 retardation;  
25                   (8) the commissioner of education;  
26                   (9) the executive director of the Texas Youth  
27 Commission;

1           (10) the executive director of the Texas Juvenile  
2 Probation Commission;

3           (11) the agency administrator of the Texas Employment  
4 Commission; and

5           (12) the director of the child support enforcement  
6 division of the office of the attorney general.

7           (c) The committee shall advise the council on health and  
8 human services policy and implementation issues.

9           (d) The committee shall meet at least quarterly.

10          SECTION 4. This Act takes effect September 1, 1989.

11          SECTION 5. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

April 18, 1989  
(date)

Sir:

We, your COMMITTEE ON HUMAN SERVICES,

to whom was referred H.B. 2473 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

- ( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x)yes ( ) no An actuarial analysis was requested. ( ) yes (x)no

An author's fiscal statement was requested. ( ) yes (x)no

A criminal justice policy impact statement was prepared. ( ) yes (x)no

A water development policy impact statement was requested. ( ) yes (x)no

(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, (x) Consent, or ( ) Resolutions Calendar.

This measure ( ) proposes new law. (x)amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Barton, Ch.	✓			
Me ton, V.C.	✓			
Vovell, C.B.O.	✓			
Blair	✓			
Johnson, J.	✓			
Larry				✓
Linebarger	✓			
VanderVoort	✓			
Waterfield				✓

Total  
7 aye  
0 nay  
0 present, not voting  
2 absent

Gavin Barton  
CHAIRMAN  
Deborah K. Wall  
COMMITTEE COORDINATOR

## BILL ANALYSIS

H.B. 2473 by Danburg  
C.S.H.B. 2473 by Vowell

Human Services Committee

### BACKGROUND

Section 131.001 of the Human Resources Code specifies the membership of the Texas Health and Human Services Coordinating Council. During the 1987-1989 interim, legislative leadership requested that the council study the reorganization of health and human services in the state. Among the recommendations of the study were the expansion of the membership of the Texas Health and Human Services Coordinating Council, the development of a central computer node and client registry, and an increase in the input from agency commissioners into council activities.

### PURPOSE

C.S.H.B. 2473 would implement recommendations of the interim study on health and human services by expanding state agency membership on the Texas Health and Human Services Coordinating Council, allowing for the establishment of a central computer node and client registry by the council, and by creating a Human Services Interagency Committee to increase input by agency commissioners and executive directors.

### SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Section 131.001 (b) of the Human Resources Code as follows:

- (1)-(6) No change.
- (7) Adds the chairman of the Texas Board On Aging to the council;
- (8) Adds the chairman of the Texas Commission on Alcohol and Drug Abuse to the council;
- (9) Adds the chairman of the Texas Commission for the Blind to the council;
- (10) Adds the chairman of the Texas Commission for the Deaf to the council;
- (11) Adds the chairman of the Texas Rehabilitation Commission to the council and deletes the chairman of the State Board of Education from the council.

Deletes the original subsection (8), which called for two additional agency board chairmen appointed by the governor. Renumbers the original subsections (9) to (13) as subsections (12) to (16).

SECTION 2. Amends Section 131.004(a)(1) of the Human Resources Code to allow the council to establish and maintain a central data base that includes programs and clients.

Amends Section 131.004(a)(5) of the Human Resources Code to allow the council to provide a central information and referral

source concerning health and human services that includes programs and clients.

SECTION 3. Amends Chapter 131 of the Human Resources Code by adding Section 131.0042, Human Services Interagency Committee, as follows:

(a) Establishes within the council the Human Services Interagency Committee.

(b) Specifies membership of the Human Services Interagency Committee as follows:

- (1) the commissioner of Health;
- (2) the commissioner of Human Services;
- (3) the commissioner of the Texas Rehabilitation Commission;
- (4) the executive director of the Texas Commission on Alcohol and Drug Abuse;
- (5) the executive director of the Texas Commission for the Blind;
- (6) the executive director of the Texas Commission for the Deaf;
- (7) the commissioner of Mental Health and Mental Retardation;
- (8) the commissioner of Education;
- (9) the executive director of the Texas Youth Commission;
- (10) the executive director of the Texas Juvenile Probation Commission;
- (11) the agency administrator of the Texas Employment Commission; and
- (12) the director of the child support enforcement division of the office of the attorney general.

(c) Provides the committee shall advise the council on health and human services policy and implementation issues.

(d) Provides the committee shall meet at least quaterly.

SECTION 4. Provides the effective date of this Act is September 1, 1989.

SECTION 5. Emergency clause.

#### COMPARISION OF ORIGINAL TO SUBSTITUTE

The original bill would have amended Section 131.009, Children and Youth Services State Coordinating Committee, of the Human Resources Code. The substitute does not amend Section 131.009 of the Human Resources Code. The original bill also would have repealed Section 131.0052, Dental Care Advisory Committee, of the Human Resources Code. The substitute does not repeal Section 131.0052 of the Human Resources Code.

#### RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does delegate rulemaking authority to a state agency, office, department, or institution. Although rulemaking authority is not specifically delegated to the Texas Health and Human Services Coordinating Council or the Texas Health and Human Services Interagency Committee created in Section 3 of the bill, such authority is implied as the council and/or committee may have to adopt rules to allow the committee to carry out its functions.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with the rules and a public hearing on H.B. 2473 was held on April 18, 1989. The Chair laid out H.B. 2473. Representative Vowell offered a complete substitute for H.B. 2473, which was adopted by the committee. The Chair recognized Representative Danburg to explain the bill. Testifying for the bill were Patrice D. Thomas, representing the Texas Health and Human Services Coordinating Council, and Melinda McKee-Moore, representing the Texas Commission for the Deaf. Not testifying but registering support for the bill were Sandra B. Smith, instructor for the Deaf, Austin, representing herself; Carl D. Brininstool, teacher, Manchaca, representing himself; Pat D. Westbrook, representing the Texas Commission for the Blind; Peggy Boice, representing the United Way of Texas; and, Polly Sowell, citizen member of the Texas Health and Human Services Coordinating Council, Austin. No one testified against the bill. On April 18, 1989, the committee voted to report H.B. 2473 as substituted to the House with the recommendation that it do pass and that it be placed on the Consent Calendar by a record vote of 7 Ayes, 0 Nays, 0 PNV, and 2 Absent.



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 20, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 2473

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, BL

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By: Danburg

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**ADOPTED**

MAY 12 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

By Danburg

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By *Vonell*

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20 the Blind;

21                   (6) the executive director of the Texas Commission for  
22 the Deaf;

23                   (7) the commissioner of mental health and mental  
24 retardation;

25                   (8) the commissioner of education;

26                   (9) the executive director of the Texas Youth  
27 Commission;

1           (10) the executive director of the Texas Juvenile  
2 Probation Commission;

3           (11) the agency administrator of the Texas Employment  
4 Commission; and

5           (12) the director of the child support enforcement  
6 division of the office of the attorney general.

7           (c) The committee shall advise the council on health and  
8 human services policy and implementation issues.

9           (d) The committee shall meet at least quarterly.

10          SECTION 4. This Act takes effect September 1, 1989.

11          SECTION 5. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

*11/10/89 11:11 AM*

# HOUSE ENGROSSMENT

ED MAY 13 PM 4:50

By Danburg

H.B. No. 2473

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [~~the chairman of the State Board of Education;~~



1           [~~(8)~~--two-additional-board-chairman-of--state--agencies  
2 delivering--health--and--human--services;--to--be--appointed-by-the  
3 governor];

4           (12) [~~(9)~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~(10)~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~(11)~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~(12)~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~(13)~~] two members of the general public  
13 appointed by the speaker of the house.

14          SECTION 2. Section 131.004(a), Human Resources Code, is  
15 amended to read as follows:

16          (a) The council may:

17               (1) establish and maintain a comprehensive central  
18 data base covering public and private sector health and human  
19 services, programs, and clients that assures that:

20                       (A) health and mental health communications and  
21 records privileged under Chapter 239, Acts of the 66th Legislature,  
22 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
23 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
24 Civil Statutes), and the Texas Rules of Evidence remain  
25 confidential and privileged;

26                       (B) personally identifiable health and mental  
27 health communications and records of persons involved in the

1 receipt or delivery of health or human services are confidential  
2 and privileged; and

3 (C) a private source is not required to provide  
4 confidential health and mental health communications or records  
5 unless a law specifically requires disclosure;

6 (2) conduct and contract for studies of significant  
7 health and human services that may include needs assessments,  
8 monitoring and tracking services among agencies, cost analyses,  
9 forecasting, consideration of current problems of target  
10 populations, long-term results of services, and issues of  
11 multilevel or multiagency service delivery;

12 (3) serve as the primary state resource in  
13 coordinating and planning for health and human services;

14 (4) analyze federal, state, county, municipal, agency,  
15 and public/private sector relationships to coordinate efforts to  
16 plan and deliver health and human services;

17 (5) provide a central information and referral source  
18 concerning health and human services, programs, and clients;

19 (6) review existing and proposed actions and policies  
20 of federal agencies to determine the health and human services  
21 impact on Texas and recommend to the governor and the legislature  
22 alternative actions and policies consistent with state health and  
23 human services policy;

24 (7) provide advice to agencies, organizations, and  
25 governmental entities concerning the analysis of needs and the  
26 development, evaluation, and coordination of health and human  
27 services;

1           (8) conduct regular and comprehensive reviews and  
2 analyses of health and human services policy and make such  
3 recommendations as deemed necessary to the governor and to the  
4 legislature; and

5           (9) before December 1 of each even-numbered year, file  
6 a report with the governor and the legislature concerning the  
7 activities of the council.

8           SECTION 3. Chapter 131, Human Resources Code, is amended by  
9 adding Section 131.0042 to read as follows:

10           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
11 The Human Services Interagency Committee is established.

12           (b) The committee is composed of:

- 13                   (1) the commissioner of health;  
14                   (2) the commissioner of human services;  
15                   (3) the commissioner of the Texas Rehabilitation  
16 Commission;  
17                   (4) the executive director of the Texas Commission on  
18 Alcohol and Drug Abuse;  
19                   (5) the executive director of the Texas Commission for  
20 the Blind;  
21                   (6) the executive director of the Texas Commission for  
22 the Deaf;  
23                   (7) the commissioner of mental health and mental  
24 retardation;  
25                   (8) the commissioner of education;  
26                   (9) the executive director of the Texas Youth  
27 Commission;

1           (10) the executive director of the Texas Juvenile  
2 Probation Commission;

3           (11) the agency administrator of the Texas Employment  
4 Commission; and

5           (12) the director of the child support enforcement  
6 division of the office of the attorney general.

7           (c) The committee shall advise the council on health and  
8 human services policy and implementation issues.

9           (d) The committee shall meet at least quarterly.

10          SECTION 4. This Act takes effect September 1, 1989.

11          SECTION 5. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 20, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 2473

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, BL

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 18, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2473  
By: Danburg

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the existence, composition, and functions of certain committees that advise the council) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, CKM

# SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

4  
5-23-89  
(date)/(time)

Sir:

We, your Committee on HEALTH AND HUMAN SERVICES to which was referred  
CSHB 2473 by Danberg have on 5-23, 1989, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass as substituted, and be printed  
☐ the caption remained the same as original measure  
☒ the caption changed with adoption of the substitute  
☐ do pass as substituted, and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure Brooks

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Brooks, Chairman	<input checked="" type="checkbox"/>			
Uribe, Vice Chairman	<input checked="" type="checkbox"/>			
Edwards				<input checked="" type="checkbox"/>
Johnson	<input checked="" type="checkbox"/>			
Parmer				<input checked="" type="checkbox"/>
Tejeda	<input checked="" type="checkbox"/>			
Truan	<input checked="" type="checkbox"/>			
Whitmire				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>6</u>			<u>3</u>

Linda M. Bristepilis  
COMMITTEE CLERK

Carlos F. Truan  
CHAIRMAN Acting

Paper clip the original and one copy of this form along with TWO copies of the Committee Substitute to the original bill and retain one copy for Reporting Committee file.

1 By: Danburg (Senate Sponsor - Brooks) H.B. No. 2473  
2 (In the Senate - Received from the House May 15, 1989;  
3 May 16, 1989, read first time and referred to Committee on Health  
4 and Human Services; May 24, 1989, reported adversely, with  
5 favorable Committee Substitute by the following vote: Yeas 6, Nays  
6 0; May 24, 1989, sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Brooks	x			
9 Uribe	x			
10 Edwards				x
11 Johnson	x			
12 Parmer				x
13 Tejada	x			
14 Truan	x			
15 Whitmire				x
16 Zaffirini	x			

18 COMMITTEE SUBSTITUTE FOR H.B. No. 2473

By: Brooks

19 A BILL TO BE ENTITLED  
20 AN ACT

21 relating to the composition and functions of the Texas Health and  
22 Human Services Coordinating Council; creating the Human Services  
23 Interagency Committee; and providing for the exchange of health and  
24 human services data and the establishment of registries.

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

26 SECTION 1. Section 131.001(b), Human Resources Code, is  
27 amended to read as follows:

28 (b) The council consists of:

29 (1) the governor;  
30 (2) the lieutenant governor;  
31 (3) the speaker of the house of representatives;  
32 (4) the chairman of the Texas Board of Human Services;  
33 (5) the chairman of the Texas Board of Health;  
34 (6) the chairman of the Texas Board of Mental Health  
35 and Mental Retardation;

36 (7) the chairman of the Texas Board on Aging;  
37 (8) the chairman of the Texas Commission on Alcohol  
38 and Drug Abuse;

39 (9) the chairman of the Texas Commission for the  
40 Blind;

41 (10) the chairman of the Texas Commission for the  
42 Deaf;

43 (11) the chairman of the Texas Rehabilitation  
44 Commission [~~the chairman of the State Board of Education;~~

45 ~~[8]--two--additional--board--chairman--of--state--agencies~~  
46 ~~delivering--health--and--human--services--to--be--appointed--by--the~~  
47 ~~governor];~~

48 (12) [~~9~~] two senators appointed by the lieutenant  
49 governor;

50 (13) [~~10~~] two members of the house of  
51 representatives appointed by the speaker of the house;

52 (14) [~~11~~] two members of the general public  
53 appointed by the governor;

54 (15) [~~12~~] two members of the general public  
55 appointed by the lieutenant governor; and

56 (16) [~~13~~] two members of the general public  
57 appointed by the speaker of the house.

58 SECTION 2. Section 131.004(a), Human Resources Code, is  
59 amended to read as follows:

60 (a) The council may:

61 (1) establish and maintain a client omnibus registry  
62 and exchange and other comprehensive data bases which facilitate  
63 the exchange of data among health and human services agencies and  
64 which cover[ing] public and private sector health and human  
65 services, programs, and clients. The data bases must assure[s



that] that:

(A) health and mental health communications and records privileged under Chapter 239, Acts of the 66th Legislature, Regular Session, 1979 (Article 5561h, Vernon's Texas Civil Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), and the Texas Rules of Evidence remain confidential and privileged;

(B) personally identifiable health and mental health communications and records of persons involved in the receipt or delivery of health or human services are confidential and privileged; and

(C) a private source is not required to provide confidential health and mental health communications or records unless a law specifically requires disclosure;

(2) conduct and contract for studies of significant health and human services that may include needs assessments, monitoring and tracking services among agencies, cost analyses, forecasting, consideration of current problems of target populations, long-term results of services, and issues of multilevel or multiagency service delivery;

(3) serve as the primary state resource in coordinating and planning for health and human services;

(4) analyze federal, state, county, municipal, agency, and public/private sector relationships to coordinate efforts to plan and deliver health and human services;

(5) provide a central information and referral source concerning health and human services, programs, and clients;

(6) review existing and proposed actions and policies of federal agencies to determine the health and human services impact on Texas and recommend to the governor and the legislature alternative actions and policies consistent with state health and human services policy;

(7) provide advice to agencies, organizations, and governmental entities concerning the analysis of needs and the development, evaluation, and coordination of health and human services;

(8) conduct regular and comprehensive reviews and analyses of health and human services policy and make such recommendations as deemed necessary to the governor and to the legislature; and

(9) before December 1 of each even-numbered year, file a report with the governor and the legislature concerning the activities of the council.

SECTION 3. Chapter 131, Human Resources Code, is amended by adding Section 131.0042 to read as follows:

Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a) The Human Services Interagency Committee is established.

(b) The committee is composed of:

- (1) the commissioner of health;
- (2) the commissioner of human services;
- (3) the commissioner of the Texas Rehabilitation Commission;
- (4) the executive director of the Texas Commission on Alcohol and Drug Abuse;
- (5) the executive director of the Texas Commission for the Blind;
- (6) the executive director of the Texas Commission for the Deaf;
- (7) the commissioner of mental health and mental retardation;
- (8) the commissioner of education;
- (9) the executive director of the Texas Youth Commission;
- (10) the executive director of the Texas Juvenile Probation Commission;
- (11) the agency administrator of the Texas Employment Commission; and
- (12) the director of the child support enforcement division of the office of the attorney general.

(c) The committee shall advise the council on health and

1 human services policy and implementation issues.

2 (d) The committee shall meet at least quarterly.

3 SECTION 4. This Act takes effect September 1, 1989.

4 SECTION 5. The importance of this legislation and the  
5 crowded condition of the calendars in both houses create an  
6 emergency and an imperative public necessity that the  
7 constitutional rule requiring bills to be read on three several  
8 days in each house be suspended, and this rule is hereby suspended.

9 \* \* \* \* \*

10 Austin, Texas

11 May 24, 1989

12 Hon. William P. Hobby  
13 President of the Senate

14 Sir:

15 We, your Committee on Health and Human Services to which was  
16 referred H.B. No. 2473, have had the same under consideration, and  
17 I am instructed to report it back to the Senate with the  
18 recommendation that it do not pass, but that the Committee  
19 Substitute adopted in lieu thereof do pass and be printed.

20 Truan, Acting Chairman

# **LEGISLATIVE BUDGET BOARD**

Austin, Texas

## **FISCAL NOTE**

May 17, 1989

TO: Honorable Chet Brooks, Chairman  
Committee on Health and Human Services  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 2473,  
as engrossed  
By: Danburg

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2473, as engrossed (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, BL

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 20, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 2473

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, BL

# **LEGISLATIVE BUDGET BOARD**

Austin, Texas

## **FISCAL NOTE**

April 18, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2473  
By: Danburg

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the existence, composition, and functions of certain committees that advise the council) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, CKM

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

MAY 27 1989

*Henry King*  
Secretary of the Senate

ADOPTED

MAY 27 1989

*[Signature]*  
Secretary of the Senate

By Danburg

H.B. No. 2473

Substitute the following for H.B. No. 2473

By *[Signature]*

C.S.H.B. No. 2473

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council; creating the Human Services Interagency Committee; and providing for the exchange of health and human services data and the establishment of registries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [~~the chairman of the State Board of Education;~~

1           [~~{8}~~--two-additional-board-chairman-of--state--agencies  
2 delivering--health--and--human--services,--to--be--appointed-by-the  
3 governor];

4           (12) [~~{9}~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~{10}~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~{11}~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~{12}~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~{13}~~] two members of the general public  
13 appointed by the speaker of the house.

14          SECTION 2. Section 131.004(a), Human Resources Code, is  
15 amended to read as follows:

16           (a) The council may:

17           (1) establish and maintain a client omnibus registry  
18 and exchange and other comprehensive data bases which facilitate  
19 the exchange of data among health and human services agencies and  
20 which cover[ing] public and private sector health and human  
21 services, programs, and clients. The data bases must assure[s  
22 that] that:

23                   (A) health and mental health communications and  
24 records privileged under Chapter 239, Acts of the 66th Legislature,  
25 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
26 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
27 Civil Statutes), and the Texas Rules of Evidence remain  
28 confidential and privileged;

29                   (B) personally identifiable health and mental  
30 health communications and records of persons involved in the



1 receipt or delivery of health or human services are confidential  
2 and privileged; and

3 (C) a private source is not required to provide  
4 confidential health and mental health communications or records  
5 unless a law specifically requires disclosure;

6 (2) conduct and contract for studies of significant  
7 health and human services that may include needs assessments,  
8 monitoring and tracking services among agencies, cost analyses,  
9 forecasting, consideration of current problems of target  
10 populations, long-term results of services, and issues of  
11 multilevel or multiagency service delivery;

12 (3) serve as the primary state resource in  
13 coordinating and planning for health and human services;

14 (4) analyze federal, state, county, municipal, agency,  
15 and public/private sector relationships to coordinate efforts to  
16 plan and deliver health and human services;

17 (5) provide a central information and referral source  
18 concerning health and human services, programs, and clients;

19 (6) review existing and proposed actions and policies  
20 of federal agencies to determine the health and human services  
21 impact on Texas and recommend to the governor and the legislature  
22 alternative actions and policies consistent with state health and  
23 human services policy;

24 (7) provide advice to agencies, organizations, and  
25 governmental entities concerning the analysis of needs and the  
26 development, evaluation, and coordination of health and human  
27 services;

1           (8) conduct regular and comprehensive reviews and  
2 analyses of health and human services policy and make such  
3 recommendations as deemed necessary to the governor and to the  
4 legislature; and

5           (9) before December 1 of each even-numbered year, file  
6 a report with the governor and the legislature concerning the  
7 activities of the council.

8           SECTION 3. Chapter 131, Human Resources Code, is amended by  
9 adding Section 131.0042 to read as follows:

10           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
11 The Human Services Interagency Committee is established.

12           (b) The committee is composed of:

- 13                   (1) the commissioner of health;  
14                   (2) the commissioner of human services;  
15                   (3) the commissioner of the Texas Rehabilitation  
16 Commission;  
17                   (4) the executive director of the Texas Commission on  
18 Alcohol and Drug Abuse;  
19                   (5) the executive director of the Texas Commission for  
20 the Blind;  
21                   (6) the executive director of the Texas Commission for  
22 the Deaf;  
23                   (7) the commissioner of mental health and mental  
24 retardation;  
25                   (8) the commissioner of education;  
26                   (9) the executive director of the Texas Youth  
27 Commission;

1           (10) the executive director of the Texas Juvenile  
2 Probation Commission;

3           (11) the agency administrator of the Texas Employment  
4 Commission; and

5           (12) the director of the child support enforcement  
6 division of the office of the attorney general.

7           (c) The committee shall advise the council on health and  
8 human services policy and implementation issues.

9           (d) The committee shall meet at least quarterly.

10          SECTION 4. This Act takes effect September 1, 1989.

11          SECTION 5. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

**ADOPTED**  
*Amended*  
MAY 27 1989

*Boyd King*  
Secretary of the Senate

AMENDMENT NO. 1

BY *[Signature]*

Amend C.S.H.B. 2473 by deleting the language below the enacting clause and inserting in its place the following:

SECTION 1. Section 131.001(b), Human Resources Code is amended and Subsection (h) is added to read as follows:

- 9 (b) The council consists of:
- 10 (1) the governor;
- 11 (2) the lieutenant governor;
- 12 (3) the speaker of the house of representatives;
- 13 (4) the chairman of the Texas Board of Human Services;
- 14 (5) the chairman of the Texas Board of Health;
- 15 (6) the chairman of the Texas Board of Mental Health
- 16 and Mental Retardation;
- 17 (7) the chairman of the Texas Board on Aging;
- 18 (8) the chairman of the Texas Commission on Alcohol
- 19 and Drug Abuse;
- 20 (9) the chairman of the Texas Commission for the
- 21 Blind;
- 22 (10) the chairman of the Texas Commission for the
- 23 Deaf;
- 24 (11) the chairman of the Texas Rehabilitation
- 25 Commission [~~the chairman of the State Board of Education;~~

1           [~~(8)~~--two-additional-board-chairman-of--state--agencies  
2 delivering--health--and--human--services;--to--be--appointed-by-the  
3 governor];

4           (12) [~~(9)~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~(10)~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~(11)~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~(12)~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~(13)~~] two members of the general public  
13 appointed by the speaker of the house.

14          (h)     The Interagency Council for Services for the Homeless  
15 is established as a subcommittee to the council and consists of:

16                 (1) one representative from each of the following  
17 agencies, appointed by the executive director or commissioner of  
18 each respective agency:

19                     (A) the Texas Department of Health;  
20                     (B) the Texas Department of Human Services;  
21                     (C) the Texas Housing Agency;  
22                     (D) the Texas Department of Mental Health and  
23 Mental Retardation;

24                     (E) the Texas Department of Community Affairs;  
25                     (F) the Texas Department on Aging;  
26                     (G) the Texas Rehabilitation Commission;  
27                     (H) the Central Education Agency; and

1                   (1) the Texas Commission on Alcohol and Drug  
2 Abuse;

3                   (2) one representative of the Texas Health and Human  
4 Services Coordinating Council, appointed by the governor; and

5                   (3) three members representing service providers to  
6 the homeless, one each appointed by the governor, the lieutenant  
7 governor, and the speaker of the house.

8 A member serves at the pleasure of the appointing official or  
9 until termination of the member's employment with the entity the  
10 member represents. The members of the council shall annually  
11 elect one member to serve as chairperson. The council shall meet  
12 at least quarterly. Any actions taken by the council must be  
13 approved by a majority vote of the members present.

14               SECTION 2. (a)                               The Interagency Council  
15 for Services for the Homeless is subject to Chapter 325, Government  
16 Code (Texas Sunset Act). Unless continued in existence as provided  
17 by that chapter, the council is abolished and this Act expires  
18 September 1, 2001.

19               (b) (1)                               The council may select and use lay and  
20 professional advisors as necessary.

21               (2) The Texas Department of Community Affairs shall provide  
22 clerical and advisory support staff to the council.

23               (c)                               The council shall:

24                       (1) survey current resources for services for the  
25 homeless in the state;

26                       (2) initiate an evaluation of the current and future  
27 needs for the services;

(3) assist in coordinating and providing statewide services for all homeless persons in the state;

(4) increase the flow of information among separate providers and appropriation authorities; and

(5) develop guidelines to monitor the provision of services for the homeless and the methods of service delivery.

(d) The council shall annually submit a progress report to the governing bodies of the agencies represented on the council.

(e) (1) Not later than February 1, 1991, the council shall submit a report to the 72nd Legislature recommending improvements to the present system of providing services for the homeless. The report must also detail any actions taken by the council to improve the provision of services for the homeless. The report may include recommendations to improve the operation of the council.

(2) This subsection expires September 1, 1991.

(f) The Texas Department of Community Affairs shall establish a transitional housing pilot program in four areas of the state if funds are made available. The program shall address the needs of homeless persons for:

- (1) interim housing;
- (2) health services;
- (3) literacy training;
- (4) job training;
- (5) family counseling;

1           (6) credit counseling; and  
2           (7) other services that will stop and prevent  
3 homelessness.

4       SECTION 3.   Section 131.004(a), Human Resources Code, is  
5 amended to read as follows:

6       (a) The council may:

7           (1) establish and maintain a client omnibus registry  
8 and exchange and other comprehensive data bases which facilitate  
9 the exchange of data among health and human services agencies and  
10 which cover[ing] public and private sector health and human  
11 services, programs, and clients. The data bases must assure[s  
12 that] that:

13           (A) health and mental health communications and  
14 records privileged under Chapter 239, Acts of the 66th Legislature,  
15 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
16 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
17 Civil Statutes), and the Texas Rules of Evidence remain  
18 confidential and privileged;

19           (B) personally identifiable health and mental  
20 health communications and records of persons involved in the  
21 receipt or delivery of health or human services are confidential  
22 and privileged; and

23           (C) a private source is not required to provide  
24 confidential health and mental health communications or records  
25 unless a law specifically requires disclosure;

26           (2) conduct and contract for studies of significant  
27 health and human services that may include needs assessments,



1 monitoring and tracking services among agencies, cost analyses,  
2 forecasting, consideration of current problems of target  
3 populations, long-term results of services, and issues of  
4 multilevel or multiagency service delivery;

5 (3) serve as the primary state resource in  
6 coordinating and planning for health and human services;

7 (4) analyze federal, state, county, municipal, agency,  
8 and public/private sector relationships to coordinate efforts to  
9 plan and deliver health and human services;

10 (5) provide a central information and referral source  
11 concerning health and human services, programs, and clients;

12 (6) review existing and proposed actions and policies  
13 of federal agencies to determine the health and human services  
14 impact on Texas and recommend to the governor and the legislature  
15 alternative actions and policies consistent with state health and  
16 human services policy;

17 (7) provide advice to agencies, organizations, and  
18 governmental entities concerning the analysis of needs and the  
19 development, evaluation, and coordination of health and human  
20 services;

21 (8) conduct regular and comprehensive reviews and  
22 analyses of health and human services policy and make such  
23 recommendations as deemed necessary to the governor and to the  
24 legislature; and

25 (9) before December 1 of each even-numbered year, file  
26 a report with the governor and the legislature concerning the  
27 activities of the council.

1       SECTION 4.     Subchapter B, Chapter 11, Tax Code, is amended  
2 by adding Section 11.111 to read as follows:

3       Sec. 11.111. PUBLIC PROPERTY USED TO PROVIDE TRANSITIONAL  
4 HOUSING FOR INDIGENT PERSONS. (a) Residential property owned by  
5 the United States or an agency of the United States and used to  
6 provide transitional housing for the indigent under a program  
7 operated or directed by the United States Department of Housing  
8 and Urban Development is exempt from taxation.

9       (b) For purposes of this section, transitional housing for  
10 indigent individuals is housing provided at no cost or nominal  
11 cost to an indigent individual or family during a temporary  
12 period in which the individual or a member of the family  
13 participates in a job training program, job placement program, or  
14 other program intended to assist the individual or family to  
15 become self-sufficient.

16       (c) The exemption provided by this section applies even if  
17 the United States or its agency leases the property to a  
18 nonprofit organization in return for the organization's  
19 assistance in operating the program to provide transitional  
20 housing, as long as the lease does not require the nonprofit  
21 organization to pay more than a nominal amount to lease the  
22 property.

23  
24       SECTION 5.   Chapter 131, Human Resources Code, is amended by  
25 adding Section 131.0042 to read as follows:

26       Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
27 The Human Services Interagency Committee is established.

1        (b) The committee is composed of:

2                (1) the commissioner of health;

3                (2) the commissioner of human services;

4                (3) the commissioner of the Texas Rehabilitation  
5 Commission;

6                (4) the executive director of the Texas Commission on  
7 Alcohol and Drug Abuse;

8                (5) the executive director of the Texas Commission for  
9 the Blind;

10               (6) the executive director of the Texas Commission for  
11 the Deaf;

12               (7) the commissioner of mental health and mental  
13 retardation;

14               (8) the commissioner of education;

15               (9) the executive director of the Texas Youth  
16 Commission;

17               (10) the executive director of the Texas Juvenile  
18 Probation Commission;

19               (11) the agency administrator of the Texas Employment  
20 Commission; and

21               (12) the director of the child support enforcement  
22 division of the office of the attorney general.

23        (c) The committee shall advise the council on health and  
24 human services policy and implementation issues.

25        (d) The committee shall meet at least quarterly.

26        SECTION 6. This Act takes effect September 1, 1989.

27        SECTION 7. The importance of this legislation and the

1 crowded condition of the calendars in both houses create an  
2 emergency and an imperative public necessity that the  
3 constitutional rule requiring bills to be read on three several  
4 days in each house be suspended, and this rule is hereby suspended.

FLOOR AMENDMENT NO. 2

BY Wick

Floor Ammt. # 1 to

Amend ~~S.S.H.B. 2473~~ by adding Sections 6, 7, 8. and 9 to read as follows and by renumbering the remaining sections accordingly:

"SECTION 6. Article 4414b, Title 71, Revised Statutes, is amended by adding Section 2.01 to read as follows:

Sec. 2.01. (a) The department is authorized to establish a registry or system of registries for providers of health-related services who are not otherwise licensed, registered, or certified by any state agency, board or commission.

(b) The board may by rule adopt reasonable registration fees to cover the costs of establishing and maintaining a registry and may adopt other rules as necessary to administer this section.

(c) A person seeking to register with the department must submit a request for registration on a form prescribed by the department.

(d) The board may appoint advisory committees, if needed, to assist the board and department in implementing a registry or system of registries established under this section.

**ADOPTED**

MAY 27 1989

*Ray King*  
Secretary of the Senate

SECTION 7. MEDICATION PROGRAM. (a) The Texas HIV medication program is established in the department.

(b) The program shall assist hospital districts, local health departments, public or nonprofit hospitals and clinics, nonprofit community organizations, and HIV-infected individuals in the purchase of medications approved by the board that have been shown to be effective in reducing hospitalizations due to HIV-related conditions and in improving the quality and longevity of the life of a person with HIV infection.

(c) ELIGIBILITY. To be eligible for the program, an individual:

- (1) must not be eligible for Medicaid benefits;
- (2) must meet financial eligibility criteria set by board rule;
- (3) must not qualify for any other state or federal program available for financing the purchase of the prescribed medication; and
- (4) must be diagnosed by a licensed physician as having AIDS or an HIV-related condition or illness of at least the minimal severity set by the board.

(d) PROCEDURES AND ELIGIBILITY GUIDELINES. The board by rule shall establish:

- (1) application and distribution procedures;
- (2) eligibility guidelines to ensure the most appropriate distribution of funds available each year; and
- (3) appellate procedures to resolve any eligibility or funding conflicts.

(e) FUNDING. (1) The department may accept and use local, state, and federal funds and private donations to fund the program.

(2) State, local, and private funds may be used to qualify for federal matching funds, if federal funding is available.

(3) Hospital districts, local health departments, public or nonprofit hospitals and clinics, and nonprofit community organizations may participate in the program by sending funds to the department for the purpose of assisting their clients in the purchase of HIV medications. A hospital district may send funds from any source, including taxes levied by the district.

(4) The department shall deposit money received under this section in the state treasury to the credit of the HIV medication fund and to the credit of a special account in that fund that shall be established for each entity sending funds under this section.

(5) Funds received from a hospital district, local health department, public or nonprofit hospital or clinic, or nonprofit community organization may be used only to provide assistance to their clients or patients. The funds may be supplemented with other funds available for the purpose of the program.

(6) The department may institute a sliding fee scale to help eligible HIV-infected individuals purchase medications under this program.

(f) ADVISORY COMMITTEE. The board may appoint an advisory committee to assist in the development of procedures and guidelines required by this article.

(g) In this section:

- (1) "Department" means the Texas Department of Health.
- (2) "Board" means the Texas Board of Health, and
- (3) "HIV" means human immunodeficiency virus.

5       SECTION 8. Subchapters A and D, Texas Health Planning and  
6       Development Act (Article 4418h, Vernon's Texas Civil Statutes), are  
7       amended to read as follows:

8                   SUBCHAPTER A. GENERAL PROVISIONS

9       Sec. 1.01. SHORT TITLE. This Act may be cited as the Texas  
10      Health Planning and Development Act.

11      Sec. 1.02. POLICY AND[7] PURPOSE. The policy of this state  
12      and the purpose of this Act are to insure that health-care services  
13      and facilities are made available to all citizens in an orderly and  
14      economical manner and to meet the requirements of[7--and--to  
15      implement,--the--National-Health-Planning-and-Resources-Development  
16      Act-of-1974-(P.L.-93-641),--as-amended-by-the--Health--Planning--and  
17      Resources--Development-Amendments-of-1979-(P.L.-96-79),--the-federal  
18      rules-and--regulations--promulgated--under--that--Act,--and--other]  
19      pertinent federal authority. To achieve this public policy and  
20      purpose, it is essential that appropriate health planning  
21      activities be undertaken and implemented and that health-care  
22      services and facilities be provided in a manner that is cost  
23      effective and that is compatible with the health-care needs of all  
24      [the-various] areas and populations of the state.



1           Sec. 1.03. DEFINITIONS. In this Act:

2           (1) "Capital expenditure" means an expenditure made by  
3 or on behalf of a health-care facility which, under generally  
4 accepted accounting principles, is not properly chargeable as an  
5 expense of operation or maintenance.

6           (2) "Council" means the Texas Health Policy Council.

7           (3) "Applicant"---means---any---person---who---makes  
8 application-to-the-commission-pursuant-to-this-Act.

9           [ {2} --"Application"--means--a--written--request--for  
10 consideration-by-the-commission-pursuant-to-this-Act.

11           [ {3} --"Certificate--holder"--is-the-person-named-in-the  
12 certificate-of-need-and-any-person-owning-title-or-interest-in--the  
13 person-named-in-the-certificate-of-need.

14           [ {4} --"Certificate--of--need"--means-a-written-order-of  
15 the-commission-setting-forth-the-commission's--affirmative--finding  
16 that---a--proposed--project--sufficiently--satisfies--the--criteria  
17 prescribed-for-such-projects--by--this--Act--and--by--rule--of--the  
18 commission.

19           [ {5} --"Commission"--means--the--Texas-Health-Facilities  
20 Commission.

21           (6) "Department" means the Texas Department of  
22 Health.

23           (4) "Expenditure minimum" means a capital expenditure  
24 of more than \$150,000 or any other unadjusted minimum as defined by  
25 federal law.

26           (5) [ {7} --"Development"--means-those--activities,--other  
27 than--planning--or-predevelopment-activities,--as-determined-by-rule

1 of--the--commission,--which--on--their--completion--result--in--the  
2 consummation--of--a--project--or--a--significant--financial--commitment  
3 toward--the--consummation--of--a--project,--and--includes--the--adoption--of  
4 ordinances,--orders,--or--resolutions--authorizing--the--issuance--of  
5 bonds.

6           [~~(8)~~] "Federal law" includes the National Health  
7 Planning and Resources Development Act of 1974 (P.L. 93-641), as  
8 amended by the Health Planning and Resources Development Amendments  
9 of 1979 (P.L. 96-79), and Public Laws 79-725, 88-164, 89-749,  
10 [~~91-515,~~] and 92-603, the federal rules and regulations promulgated  
11 under those Acts, and other pertinent federal authority.

12           (6) [~~(9)~~] "Health-care facility," referred to as  
13 "facility," means[~~,-regardless-of-ownership,~~] a public or private  
14 hospital, skilled nursing facility, intermediate care facility,  
15 ambulatory surgical facility, family planning clinic which performs  
16 ambulatory surgical procedures, rural health initiative clinic,  
17 urban health initiative clinic, kidney disease treatment facility,  
18 inpatient rehabilitation facility, and other facilities as defined  
19 by federal law, but does not include the office of physicians or  
20 practitioners of the healing arts singly or in groups in the  
21 conduct of their profession.

22           (7) [~~(10)~~] "Health maintenance organization," referred  
23 to as "HMO," has the meaning given the term in the Texas Health  
24 Maintenance Organization Act.

25           (8) [~~(11)~~]--"Health-systems-agency"--means--a--nonprofit  
26 private--corporation--or--public--regional--planning--body--acting--as--an  
27 instrumentality--of--the--federal--government--and--designated--in

1 accordance-with-federal-law-and-subject-to-approval-of-the-governor  
2 and-his-periodic-review-and-redesignation.

3 [ (12) ] "Institutional health-care services," referred  
4 to as "services," means the health-care services provided in  
5 health-care facilities and includes, but is not limited to,  
6 inpatient or outpatient services for observation, diagnosis,  
7 treatment, or rehabilitation, and all care for patients with  
8 obstetrical, medical, surgical, tubercular, mental, alcoholic, drug  
9 abuse, chronic, rehabilitative, or other conditions.

10 [ (13) -- "Party" -- means -- any -- person -- who -- by -- formal  
11 intervention -- or -- action -- as -- determined -- by -- rule -- of -- the -- commission  
12 participates -- in -- the -- consideration -- of -- a -- specific -- application -- by -- the  
13 commission.

14 [ (14) -- "Person" -- means -- an -- individual, -- sole  
15 proprietorship, -- charity, -- trust, -- estate, -- institution, -- group,  
16 association, -- firm, -- joint-venture, -- partnership, -- joint-stock-company,  
17 cooperative, -- corporation, -- the-state-or-a-political-subdivision-or  
18 instrumentality-of-the-state, -- any-receiver, -- trustee, -- assignee, -- or  
19 other-similar-representative-or-any-other-legal-entity.

20 [ (15) -- "Project" -- means -- services, -- facility, -- or -- HMO  
21 requiring-a-certificate-of-need-or-other-action-under-this-Act.

22 [ (16) -- "Statewide-Health-Coordinating-Council" -- means -- a  
23 twenty-one -- person -- council, -- in -- accordance -- with -- federal -- law,  
24 appointed -- by -- the -- governor, -- to -- provide -- rules -- and -- regulations  
25 governing -- the -- development -- and -- implementation -- of -- the -- state -- health  
26 plan.

27 [ (17) -- "Capital-expenditure" -- means -- an-expenditure -- made

1 by--or--on--behalf-of-a-health-care-facility-which,-under-generally  
2 accepted-accounting-principles,-is-not-properly--chargeable--as--an  
3 expense-of-operation-or-maintenance-

4 [ (18) -- "Expenditure----minimum"----means----a---capital  
5 expenditure-that-exceeds-\$150,000-or-any-other--unadjusted--minimum  
6 as-may-be-defined-by-federal-law. ]

7 Sec. 1.04. ADMINISTRATIVE PROCEDURE. The Administrative  
8 Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas  
9 Civil Statutes) applies to all proceedings under this Act except to  
10 the extent inconsistent with this Act.

11 Sec. 1.05. AUTHORITY OF THE GOVERNOR. (a) As the chief  
12 executive and planning officer of this state, the governor is  
13 authorized to perform those duties and functions assigned to him by  
14 federal law. The governor is authorized to transfer personnel,  
15 equipment, records, obligations, appropriations, functions, and  
16 duties of his office to another agency.

17 (b) The governor by executive order may establish a capital  
18 expenditure review program in compliance with federal law if the  
19 governor finds that such a review program is necessary to prevent  
20 the loss of federal funds. The governor's findings, including a  
21 brief description of the reason for the findings, must be included  
22 in the text of an order issued under this subsection. If  
23 necessary, the governor may use any available funds to implement  
24 this subsection.

25 (c) An executive order issued under Subsection (b) of this  
26 section expires on the September 1 that follows the next regular  
27 session of the legislature that begins after the date the order is

1 issued, unless an earlier date is specified in the order, or unless  
2 the governor rescinds the order before that time.

3 (d) The program established by an executive order issued  
4 under Subsection (b) of this section, when authorized by the  
5 governor, may negotiate an agreement with the Secretary of Health  
6 and Human Services on behalf of the State of Texas to administer a  
7 state capital expenditure review program pursuant to Section 1122  
8 of the Social Security Act, the federal rules and regulations  
9 promulgated under that Act, and other pertinent federal authority,  
10 if after thorough review and study, the governor determines that  
11 such a review program would be necessary to prevent the loss of  
12 federal funds.

13 Sec. 1.06. INTERAGENCY CONTRACTS. Agencies, departments,  
14 instrumentalities, grantees, political subdivisions, and  
15 institutions of higher education of the state shall cooperate with  
16 the [~~commission--and--the~~] department in the performance of their  
17 assigned duties and functions.

18 Sec. 1.07. LIMITATIONS ON POWERS. Nothing in this Act shall  
19 be construed to authorize the [~~commission-or-the~~] department or any  
20 employee or official of the [~~commission-or-the~~] department to:

21 (1) exercise any supervision or control over the  
22 practice of medicine or the manner in which physician's services in  
23 private practice are provided, or over the selection, tenure,  
24 compensation, or fees of any physician in the delivery of  
25 physician's services;

26 (2) perform any duty or function under the provisions  
27 of Title XI of the Social Security Act (Section 249(f) of P.L.

1 92-603) or rules or regulations promulgated thereunder; or

2 (3) apply for grants under the provisions of Section  
3 1526, P.L. 93-641, as amended by P.L. 96-79.

4 Sec. 1.08. HEALTH-RELATED STATE AGENCIES: REGIONAL  
5 ADMINISTRATION. The Texas Department of Health, the Texas  
6 Department of Mental Health and Mental Retardation, the Texas  
7 Department of Human Services [Resources], and as directed by the  
8 governor, other health-related state agencies shall divide the  
9 state into regions for administrative or regulatory purposes that  
10 coincide with one or more state planning regions delineated by the  
11 governor under Chapter 391, Local Government Code [the-health  
12 service-areas-established-pursuant-to-P.L.-93-641,--as--amended--by  
13 P.L.-96-79].

14 SUBCHAPTER B [B]. FUNCTIONS OF DEPARTMENT

15 Sec. 2.01 [4:01]. HEALTH PLANNING AND DEVELOPMENT AGENCY.  
16 The department is designated as the state health planning and  
17 development agency for the State of Texas.

18 Sec. 2.02 [4:02]. GENERAL POWERS AND FUNCTIONS. (a) The  
19 department shall, in accordance with rules and regulations  
20 promulgated by the [statewide-health-coordinating] council, conduct  
21 the following duties:

22 (1) preparing, reviewing, and revising the preliminary  
23 state health plan for submission to the [statewide--health  
24 co-ordinating] council;

25 (2) collecting and disseminating data necessary to  
26 support specific state health plan goals; and

27 (3) assisting the [statewide--health--co-ordinating]

1 council in the performance of its functions and duties.

2 (b) The department shall perform the duties and functions  
3 prescribed by state and federal law regarding the development of  
4 the state health plan after consultation with the Texas Department  
5 of Mental Health and Mental Retardation, the Texas Department of  
6 Human Services [Resources], and other appropriate health-related  
7 state agencies as designated by the governor.

8 (c) The department may set and charge fees relating to  
9 public health planning, data, and statistical services.

10 Sec. 2.03 [4-03]. COLLECTION OF DATA. (a) The department  
11 shall adopt rules establishing reasonable procedures for the  
12 collection of data from facilities as defined by this Act and for  
13 the dissemination of data determined to be necessary to facilitate  
14 and expedite proper and effective health planning and resource  
15 development.

16 (b) The rules must specify what type of data are required,  
17 the entities that are required to submit the data, and the period  
18 during which the data must be submitted.

19 (c) The department shall file, index, and periodically  
20 publish in a coherent manner summaries or analyses of the data  
21 collected.

22 (d) If the department does not receive the data as required  
23 by the rules, the department shall notify the entity of the problem  
24 and shall require the entity to submit the data not later than 30  
25 days after the entity receives the notification.

26 (e) An entity that does not timely submit the data after  
27 notification under Subsection (d) of this section is subject to a

1 civil penalty of not more than \$500 for each day the entity fails  
2 to submit the data. At the request of the commissioner of health,  
3 the attorney general shall institute and conduct a suit in the name  
4 of the state to recover the civil penalty.

5 (f) All data received by the department under this section  
6 that contain information identifying specific patients are  
7 confidential and may not be released unless the information  
8 identifying the patient is removed from the data.

9 Sec. 2.04 [4-04]. TEXAS HEALTH POLICY [STATEWIDE---HEALTH  
10 COORDINATING] COUNCIL. (a) The Texas Health Policy Council  
11 [statewide--health--coordinating--council] is appointed by the  
12 governor in accordance with the requirements of applicable federal  
13 law. The council must include health care providers. At least  
14 one-third of the council's members must be health care consumers.  
15 The members serve staggered two-year terms.

16 (b) The governor may appoint the chairman of the council.  
17 The members may elect a chairman by majority vote if the governor  
18 does not appoint the chairman.

19 (c) The [statewide-health-coordinating] council shall:

20 (1) provide guidance to the department in developing  
21 the state health plan;

22 (2) adopt [approve] the state health plan for  
23 submission to the governor in accordance with applicable federal  
24 law; and

25 (3) promote and direct the implementation of the state  
26 health plan's recommendations.

27 [e]--The-statewide-health-coordinating-council-may-establish



1 and--charge--fees--related--to--public--health--planning--data--and  
2 statistical-services. ]

3 (d) The [statewide-health-coordinating] council shall adopt  
4 rules in accordance with the Administrative Procedure and Texas  
5 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)  
6 detailing the processes used to accomplish its functions.

7 Sec. 2.05 [4-05]. STATE HEALTH PLAN. (a) The state health  
8 plan must be developed and used in accordance with applicable state  
9 and federal law and shall identify:

10 (1) major statewide health concerns;

11 (2) the availability and use of current health  
12 resources of the state; and

13 (3) the future health service and facility needs of  
14 the state.

15 (b) The state health plan must:

16 (1) propose strategies for the correction of major  
17 deficiencies in the service delivery system; and

18 (2) provide direction for the state's legislative and  
19 executive decision-making processes to implement the strategies  
20 proposed by the plan.

21 (c) Information needed for the development of the state  
22 health plan shall be gathered through systematic methods designed  
23 to include local, regional, and statewide perspectives.

24 (d) Regional perspectives must be provided through regional  
25 health planning advisory committees established by councils of  
26 government or regional planning commissions. The state health plan  
27 must specifically address the regional perspectives.

1        (e) The [~~statewide--health--coordinating~~] council, through  
2 consultation with the health and human services coordinating  
3 council, shall generate overall directives for the development of  
4 the state health plan.

5        (f) [~~e~~] The department shall submit the preliminary state  
6 health plan to the [~~statewide--health--coordinating~~] council for  
7 adoption [~~approval~~].

8        (g) The [~~f~~]~~--Before-submitting-the-state-health-plan-to-the~~  
9 ~~governor-for-adoption,--the-statewide-health--coordinating~~] council  
10 shall submit the state health plan to the health and human services  
11 coordinating council for review and comment.

12        (h) [~~g~~] The [~~statewide-health--coordinating~~] council shall  
13 submit the state health plan to the governor for approval  
14 [~~adoption~~] not later than November 1 of each even-numbered year.

15        Sec. 2.06 [~~4.06~~]. COST DATA. (a) Any state agency directly  
16 affected by a recommendation in the state health plan shall submit  
17 cost data concerning implementation of the recommendation to the  
18 department and the [~~statewide--health--coordinating~~] council and  
19 shall indicate whether the agency is requesting funds in a manner  
20 consistent with the state health plan's recommendations. If the  
21 agency is not requesting funds consistent with the state health  
22 plan's recommendations, the agency shall submit an explanation and  
23 justification of any deviations.

24        (b) The department shall submit information received under  
25 this section to the Legislative Budget Board and the governor's  
26 budget office not later than November 1 of each even-numbered year.  
27 The submission is in addition to any other fiscal reporting

1 requirements imposed on the department.

2       Sec. 2.07 [~~4.07--ASSISTANCE-UNDER-TITLE-XVI--No-application~~  
3 ~~for-assistance-under-Title-XVI-of-the-Public-Health-Service-Act-may~~  
4 ~~be---considered---by--the--department--until--the--requirements--of~~  
5 ~~Subchapters-B-and-C-of-this-Act-have-been-complied-with-~~

6       [~~See--4.08-~~] CONTRACTS. With the approval of the governor  
7 and after a public hearing, the department may contract with an  
8 appropriate state agency to perform specific state health planning  
9 and development agency functions of the department.

10       SECTION 9.       Section 6.04, Texas Health Planning and  
11 Development Act (Article 4418h, Vernon's Texas Civil Statutes), is  
12 repealed.

# SENATE AMENDMENTS

2nd Printing

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By Danburg

H.B. No. 2473

## A BILL TO BE ENTITLED

### AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [~~the chairman of the State Board of Education;~~

1           [~~{8}~~--two-additional-board-chairman-of--state--ageneies  
2     ~~delivering--health--and--human--services,--to--be--appointed-by-the~~  
3     ~~governor~~];

4           (12) [~~{9}~~] two senators appointed by the lieutenant  
5     governor;

6           (13) [~~{10}~~] two members of the house of  
7     representatives appointed by the speaker of the house;

8           (14) [~~{11}~~] two members of the general public  
9     appointed by the governor;

10          (15) [~~{12}~~] two members of the general public  
11     appointed by the lieutenant governor; and

12          (16) [~~{13}~~] two members of the general public  
13     appointed by the speaker of the house.

14          SECTION 2. Section 131.004(a), Human Resources Code, is  
15     amended to read as follows:

16           (a) The council may:

17               (1) establish and maintain a comprehensive central  
18     data base covering public and private sector health and human  
19     services, programs, and clients that assures that:

20                   (A) health and mental health communications and  
21     records privileged under Chapter 239, Acts of the 66th Legislature,  
22     Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
23     Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
24     Civil Statutes), and the Texas Rules of Evidence remain  
25     confidential and privileged;

26                   (B) personally identifiable health and mental  
27     health communications and records of persons involved in the

1 receipt or delivery of health or human services are confidential  
2 and privileged; and

3 (C) a private source is not required to provide  
4 confidential health and mental health communications or records  
5 unless a law specifically requires disclosure;

6 (2) conduct and contract for studies of significant  
7 health and human services that may include needs assessments,  
8 monitoring and tracking services among agencies, cost analyses,  
9 forecasting, consideration of current problems of target  
10 populations, long-term results of services, and issues of  
11 multilevel or multiagency service delivery;

12 (3) serve as the primary state resource in  
13 coordinating and planning for health and human services;

14 (4) analyze federal, state, county, municipal, agency,  
15 and public/private sector relationships to coordinate efforts to  
16 plan and deliver health and human services;

17 (5) provide a central information and referral source  
18 concerning health and human services, programs, and clients;

19 (6) review existing and proposed actions and policies  
20 of federal agencies to determine the health and human services  
21 impact on Texas and recommend to the governor and the legislature  
22 alternative actions and policies consistent with state health and  
23 human services policy;

24 (7) provide advice to agencies, organizations, and  
25 governmental entities concerning the analysis of needs and the  
26 development, evaluation, and coordination of health and human  
27 services;

1           (8) conduct regular and comprehensive reviews and  
2 analyses of health and human services policy and make such  
3 recommendations as deemed necessary to the governor and to the  
4 legislature; and

5           (9) before December 1 of each even-numbered year, file  
6 a report with the governor and the legislature concerning the  
7 activities of the council.

8           SECTION 3. Chapter 131, Human Resources Code, is amended by  
9 adding Section 131.0042 to read as follows:

10           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
11 The Human Services Interagency Committee is established.

12           (b) The committee is composed of:

- 13                   (1) the commissioner of health;  
14                   (2) the commissioner of human services;  
15                   (3) the commissioner of the Texas Rehabilitation  
16 Commission;  
17                   (4) the executive director of the Texas Commission on  
18 Alcohol and Drug Abuse;  
19                   (5) the executive director of the Texas Commission for  
20 the Blind;  
21                   (6) the executive director of the Texas Commission for  
22 the Deaf;  
23                   (7) the commissioner of mental health and mental  
24 retardation;  
25                   (8) the commissioner of education;  
26                   (9) the executive director of the Texas Youth  
27 Commission;

1           (10) the executive director of the Texas Juvenile  
2 Probation Commission;

3           (11) the agency administrator of the Texas Employment  
4 Commission; and

5           (12) the director of the child support enforcement  
6 division of the office of the attorney general.

7           (c) The committee shall advise the council on health and  
8 human services policy and implementation issues.

9           (d) The committee shall meet at least quarterly.

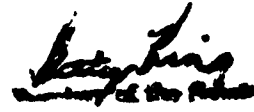
10          SECTION 4. This Act takes effect September 1, 1989.

11          SECTION 5. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.



ADOPTED

MAY 27 1989



By Danburg

H.B. No. 2473

Substitute the following for H.B. No. 2473

By 

C.S.H.B. No. 2473

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council; creating the Human Services Interagency Committee; and providing for the exchange of health and human services data and the establishment of registries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [~~the-chairman-of-the-State-Board-of-Education;~~

1           [~~{8}~~--two-additional-board-chairman-of--state--agencies  
2 delivering--health--and--human--services,--to--be--appointed-by-the  
3 governor];

4           (12) [~~{9}~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~{10}~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~{11}~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~{12}~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~{13}~~] two members of the general public  
13 appointed by the speaker of the house.

14          SECTION 2. Section 131.004(a), Human Resources Code, is  
15 amended to read as follows:

16           (a) The council may:

17           (1) establish and maintain a client omnibus registry  
18 and exchange and other comprehensive data bases which facilitate  
19 the exchange of data among health and human services agencies and  
20 which cover[ing] public and private sector health and human  
21 services, programs, and clients. The data bases must assure[s  
22 that] that:

23                   (A) health and mental health communications and  
24 records privileged under Chapter 239, Acts of the 66th Legislature,  
25 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
26 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
27 Civil Statutes), and the Texas Rules of Evidence remain  
28 confidential and privileged;

29                   (B) personally identifiable health and mental  
30 health communications and records of persons involved in the

1 receipt or delivery of health or human services are confidential  
2 and privileged; and

3 (C) a private source is not required to provide  
4 confidential health and mental health communications or records  
5 unless a law specifically requires disclosure;

6 (2) conduct and contract for studies of significant  
7 health and human services that may include needs assessments,  
8 monitoring and tracking services among agencies, cost analyses,  
9 forecasting, consideration of current problems of target  
10 populations, long-term results of services, and issues of  
11 multilevel or multiagency service delivery;

12 (3) serve as the primary state resource in  
13 coordinating and planning for health and human services;

14 (4) analyze federal, state, county, municipal, agency,  
15 and public/private sector relationships to coordinate efforts to  
16 plan and deliver health and human services;

17 (5) provide a central information and referral source  
18 concerning health and human services, programs, and clients;

19 (6) review existing and proposed actions and policies  
20 of federal agencies to determine the health and human services  
21 impact on Texas and recommend to the governor and the legislature  
22 alternative actions and policies consistent with state health and  
23 human services policy;

24 (7) provide advice to agencies, organizations, and  
25 governmental entities concerning the analysis of needs and the  
26 development, evaluation, and coordination of health and human  
27 services;

1           (8) conduct regular and comprehensive reviews and  
2 analyses of health and human services policy and make such  
3 recommendations as deemed necessary to the governor and to the  
4 legislature; and

5           (9) before December 1 of each even-numbered year, file  
6 a report with the governor and the legislature concerning the  
7 activities of the council.

8           SECTION 3. Chapter 131, Human Resources Code, is amended by  
9 adding Section 131.0042 to read as follows:

10           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
11 The Human Services Interagency Committee is established.

12           (b) The committee is composed of:

- 13                   (1) the commissioner of health;  
14                   (2) the commissioner of human services;  
15                   (3) the commissioner of the Texas Rehabilitation  
16 Commission;  
17                   (4) the executive director of the Texas Commission on  
18 Alcohol and Drug Abuse;  
19                   (5) the executive director of the Texas Commission for  
20 the Blind;  
21                   (6) the executive director of the Texas Commission for  
22 the Deaf;  
23                   (7) the commissioner of mental health and mental  
24 retardation;  
25                   (8) the commissioner of education;  
26                   (9) the executive director of the Texas Youth  
27 Commission;

1                   (10) the executive director of the Texas Juvenile  
2 Probation Commission;

3                   (11) the agency administrator of the Texas Employment  
4 Commission; and

5                   (12) the director of the child support enforcement  
6 division of the office of the attorney general.

7                   (c) The committee shall advise the council on health and  
8 human services policy and implementation issues.

9                   (d) The committee shall meet at least quarterly.

10                  SECTION 4. This Act takes effect September 1, 1989.

11                  SECTION 5. The importance of this legislation and the  
12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

**ADOPTED**  
*as amended*  
MAY 27 1989

*Legislative*  
*Committee on Education*

AMENDMENT NO. 1

BY *[Signature]*

Amend C.S.H.B. 2473 by deleting the language below the enacting clause and inserting in its place the following:

SECTION 1. Section 131.001(b), Human Resources Code is amended and Subsection (h) is added to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [~~the chairman of the State Board of Education;~~

1           [~~(8)~~--two-additional-board-chairman-of--state--agencies  
2 delivering--health--and--human--services,--to--be--appointed-by-the  
3 governor];

4           (12) [~~(9)~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~(10)~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~(11)~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~(12)~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~(13)~~] two members of the general public  
13 appointed by the speaker of the house.

14          (h)     The Interagency Council for Services for the Homeless  
15 is established as a subcommittee to the council and consists of:

16                 (1) one representative from each of the following  
17 agencies, appointed by the executive director or commissioner of  
18 each respective agency:

19                     (A) the Texas Department of Health;

20                     (B) the Texas Department of Human Services;

21                     (C) the Texas Housing Agency;

22                     (D) the Texas Department of Mental Health and  
23 Mental Retardation;

24                     (E) the Texas Department of Community Affairs;

25                     (F) the Texas Department on Aging;

26                     (G) the Texas Rehabilitation Commission;

27                     (H) the Central Education Agency; and

1                    (1) the Texas Commission on Alcohol and Drug  
2 Abuse;

3                    (2) one representative of the Texas Health and Human  
4 Services Coordinating Council, appointed by the governor; and

5                    (3) three members representing service providers to  
6 the homeless, one each appointed by the governor, the lieutenant  
7 governor, and the speaker of the house.

8 A member serves at the pleasure of the appointing official or  
9 until termination of the member's employment with the entity the  
10 member represents. The members of the council shall annually  
11 elect one member to serve as chairperson. The council shall meet  
12 at least quarterly. Any actions taken by the council must be  
13 approved by a majority vote of the members present.

14                    SECTION 2. (a)                    The Interagency Council  
15 for Services for the Homeless is subject to Chapter 325, Government  
16 Code (Texas Sunset Act). Unless continued in existence as provided  
17 by that chapter, the council is abolished and this Act expires  
18 September 1, 2001.

19                    (b) (1)                    The council may select and use lay and  
20 professional advisors as necessary.

21                    (2) The Texas Department of Community Affairs shall provide  
22 clerical and advisory support staff to the council.

23                    (c)                    The council shall:

24                    (1) survey current resources for services for the  
25 homeless in the state;

26                    (2) initiate an evaluation of the current and future  
27 needs for the services;



1           (3) assist in coordinating and providing statewide  
2 services for all homeless persons in the state;

3           (4) increase the flow of information among separate  
4 providers and appropriation authorities; and

5           (5) develop guidelines to monitor the provision of  
6 services for the homeless and the methods of service delivery.

7           (d)                               The council shall annually submit a  
8 progress report to the governing bodies of the agencies represented  
9 on the council.

10           (e) (1)   Not later than  
11 February 1, 1991, the council shall submit a report to the 72nd  
12 Legislature recommending improvements to the present system of  
13 providing services for the homeless. The report must also detail  
14 any actions taken by the council to improve the provision of  
15 services for the homeless. The report may include recommendations  
16 to improve the operation of the council.

17           (2) This subsection expires September 1, 1991.

18           (f)   The Texas  
19 Department of Community Affairs shall establish a transitional  
20 housing pilot program in four areas of the state if funds are made  
21 available. The program shall address the needs of homeless persons  
22 for:

23                       (1) interim housing;

24                       (2) health services;

25                       (3) literacy training;

26                       (4) job training;

27                       (5) family counseling;

1                   (6) credit counseling; and  
2                   (7) other services that will stop and prevent  
3 homelessness.

4           SECTION 3.   Section 131.004(a), Human Resources Code, is  
5 amended to read as follows:

6           (a) The council may:

7                   (1) establish and maintain a client omnibus registry  
8 and exchange and other comprehensive data bases which facilitate  
9 the exchange of data among health and human services agencies and  
10 which cover[ing] public and private sector health and human  
11 services, programs, and clients. The data bases must assure[s  
12 that] that:

13                           (A) health and mental health communications and  
14 records privileged under Chapter 239, Acts of the 66th Legislature,  
15 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
16 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
17 Civil Statutes), and the Texas Rules of Evidence remain  
18 confidential and privileged;

19                           (B) personally identifiable health and mental  
20 health communications and records of persons involved in the  
21 receipt or delivery of health or human services are confidential  
22 and privileged; and

23                           (C) a private source is not required to provide  
24 confidential health and mental health communications or records  
25 unless a law specifically requires disclosure;

26                   (2) conduct and contract for studies of significant  
27 health and human services that may include needs assessments,

1 monitoring and tracking services among agencies, cost analyses,  
2 forecasting, consideration of current problems of target  
3 populations, long-term results of services, and issues of  
4 multilevel or multiagency service delivery;

5 (3) serve as the primary state resource in  
6 coordinating and planning for health and human services;

7 (4) analyze federal, state, county, municipal, agency,  
8 and public/private sector relationships to coordinate efforts to  
9 plan and deliver health and human services;

10 (5) provide a central information and referral source  
11 concerning health and human services, programs, and clients;

12 (6) review existing and proposed actions and policies  
13 of federal agencies to determine the health and human services  
14 impact on Texas and recommend to the governor and the legislature  
15 alternative actions and policies consistent with state health and  
16 human services policy;

17 (7) provide advice to agencies, organizations, and  
18 governmental entities concerning the analysis of needs and the  
19 development, evaluation, and coordination of health and human  
20 services;

21 (8) conduct regular and comprehensive reviews and  
22 analyses of health and human services policy and make such  
23 recommendations as deemed necessary to the governor and to the  
24 legislature; and

25 (9) before December 1 of each even-numbered year, file  
26 a report with the governor and the legislature concerning the  
27 activities of the council.

1           SECTION 4.     Subchapter B, Chapter 11, Tax Code, is amended  
2 by adding Section 11.111 to read as follows:

3           Sec. 11.111. PUBLIC PROPERTY USED TO PROVIDE TRANSITIONAL  
4 HOUSING FOR INDIGENT PERSONS. (a) Residential property owned by  
5 the United States or an agency of the United States and used to  
6 provide transitional housing for the indigent under a program  
7 operated or directed by the United States Department of Housing  
8 and Urban Development is exempt from taxation.

9           (b) For purposes of this section, transitional housing for  
10 indigent individuals is housing provided at no cost or nominal  
11 cost to an indigent individual or family during a temporary  
12 period in which the individual or a member of the family  
13 participates in a job training program, job placement program, or  
14 other program intended to assist the individual or family to  
15 become self-sufficient.

16           (c) The exemption provided by this section applies even if  
17 the United States or its agency leases the property to a  
18 nonprofit organization in return for the organization's  
19 assistance in operating the program to provide transitional  
20 housing, as long as the lease does not require the nonprofit  
21 organization to pay more than a nominal amount to lease the  
22 property.

23  
24           SECTION 5. Chapter 131, Human Resources Code, is amended by  
25 adding Section 131.0042 to read as follows:

26           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
27 The Human Services Interagency Committee is established.

1        (b) The committee is composed of:

2                (1) the commissioner of health;

3                (2) the commissioner of human services;

4                (3) the commissioner of the Texas Rehabilitation  
5 Commission;

6                (4) the executive director of the Texas Commission on  
7 Alcohol and Drug Abuse;

8                (5) the executive director of the Texas Commission for  
9 the Blind;

10               (6) the executive director of the Texas Commission for  
11 the Deaf;

12               (7) the commissioner of mental health and mental  
13 retardation;

14               (8) the commissioner of education;

15               (9) the executive director of the Texas Youth  
16 Commission;

17               (10) the executive director of the Texas Juvenile  
18 Probation Commission;

19               (11) the agency administrator of the Texas Employment  
20 Commission; and

21               (12) the director of the child support enforcement  
22 division of the office of the attorney general.

23        (c) The committee shall advise the council on health and  
24 human services policy and implementation issues.

25        (d) The committee shall meet at least quarterly.

26        SECTION 6. This Act takes effect September 1, 1989.

27        SECTION 7. The importance of this legislation and the

1 crowded condition of the calendars in both houses create an  
2 emergency and an imperative public necessity that the  
3 constitutional rule requiring bills to be read on three several  
4 days in each house be suspended, and this rule is hereby suspended.

FLOOR AMENDMENT NO. 2

BY 7/1/6

Floor Amm # 1 to

Amend ~~S.S.H.B. 2473~~ by adding Sections 6, 7, 8. and 9 to read as follows and by renumbering the remaining sections accordingly:

"SECTION 6. Article 4414b, Title 71, Revised Statutes, is amended by adding Section 2.01 to read as follows:

Sec. 2.01. (a) The department is authorized to establish a registry or system of registries for providers of health-related services who are not otherwise licensed, registered, or certified by any state agency, board or commission.

(b) The board may by rule adopt reasonable registration fees to cover the costs of establishing and maintaining a registry and may adopt other rules as necessary to administer this section.

(c) A person seeking to register with the department must submit a request for registration on a form prescribed by the department.

(d) The board may appoint advisory committees, if needed, to assist the board and department in implementing a registry or system of registries established under this section.

**ADOPTED**

MAY 27 1989

*Anthony King*  
Chairman of the Rules Committee

SECTION 7. MEDICATION PROGRAM. (a) The Texas HIV medication program is established in the department.

(b) The program shall assist hospital districts, local health departments, public or nonprofit hospitals and clinics, nonprofit community organizations, and HIV-infected individuals in the purchase of medications approved by the board that have been shown to be effective in reducing hospitalizations due to HIV-related conditions and in improving the quality and longevity of the life of a person with HIV infection.

(c) ELIGIBILITY. To be eligible for the program, an individual:

- (1) must not be eligible for Medicaid benefits;
- (2) must meet financial eligibility criteria set by board rule;
- (3) must not qualify for any other state or federal program available for financing the purchase of the prescribed medication; and
- (4) must be diagnosed by a licensed physician as having AIDS or an HIV-related condition or illness of at least the minimal severity set by the board.

(d) PROCEDURES AND ELIGIBILITY GUIDELINES. The board by rule shall establish:

- (1) application and distribution procedures;
- (2) eligibility guidelines to ensure the most appropriate distribution of funds available each year; and
- (3) appellate procedures to resolve any eligibility or funding conflicts.

(e) FUNDING. (1) The department may accept and use local, state, and federal funds and private donations to fund the program.

(2) State, local, and private funds may be used to qualify for federal matching funds, if federal funding is available.



(3) Hospital districts, local health departments, public or nonprofit hospitals and clinics, and nonprofit community organizations may participate in the program by sending funds to the department for the purpose of assisting their clients in the purchase of HIV medications. A hospital district may send funds from any source, including taxes levied by the district.

(4) The department shall deposit money received under this section in the state treasury to the credit of the HIV medication fund and to the credit of a special account in that fund that shall be established for each entity sending funds under this section.

(5) Funds received from a hospital district, local health department, public or nonprofit hospital or clinic, or nonprofit community organization may be used only to provide assistance to their clients or patients. The funds may be supplemented with other funds available for the purpose of the program.

(6) The department may institute a sliding fee scale to help eligible HIV-infected individuals purchase medications under this program.

(f) ADVISORY COMMITTEE. The board may appoint an advisory committee to assist in the development of procedures and guidelines required by this article.

(g) In this section:

- (1) "Department" means the Texas Department of Health.
- (2) "Board" means the Texas Board of Health, and
- (3) "HIV" means human immunodeficiency virus.

5       SECTION 8. Subchapters A and D, Texas Health Planning and  
6       Development Act (Article 4418h, Vernon's Texas Civil Statutes), are  
7       amended to read as follows:

8                   SUBCHAPTER A. GENERAL PROVISIONS

9       Sec. 1.01. SHORT TITLE. This Act may be cited as the Texas  
10      Health Planning and Development Act.

11      Sec. 1.02. POLICY AND[7] PURPOSE. The policy of this state  
12      and the purpose of this Act are to insure that health-care services  
13      and facilities are made available to all citizens in an orderly and  
14      economical manner and to meet the requirements of[7--and--to  
15      implement,--the--National-Health-Planning-and-Resources-Development  
16      Act-of-1974-(P.L.-93-641),--as-amended-by-the--Health--Planning--and  
17      Resources--Development-Amendments-of-1979-(P.L.-96-79),--the-federal  
18      rules-and--regulations--promulgated--under--that--Act,--and--other]  
19      pertinent federal authority. To achieve this public policy and  
20      purpose, it is essential that appropriate health planning  
21      activities be undertaken and implemented and that health-care  
22      services and facilities be provided in a manner that is cost  
23      effective and that is compatible with the health-care needs of all  
24      [the-various] areas and populations of the state.

1           Sec. 1.03. DEFINITIONS. In this Act:

2           (1) "Capital expenditure" means an expenditure made by  
3 or on behalf of a health-care facility which, under generally  
4 accepted accounting principles, is not properly chargeable as an  
5 expense of operation or maintenance.

6           (2) "Council" means the Texas Health Policy Council.

7           (3) "Applicant"---means---any---person---who---makes  
8 application-to-the-commission-pursuant-to-this-Act.

9           (4) "Application"---means---a---written---request---for  
10 consideration-by-the-commission-pursuant-to-this-Act.

11           (5) "Certificate-holder"---is-the-person-named-in-the  
12 certificate-of-need-and-any-person-owning-title-or-interest-in--the  
13 person-named-in-the-certificate-of-need.

14           (6) "Certificate-of--need"---means-a-written-order-of  
15 the-commission-setting-forth-the-commission's---affirmative--finding  
16 that---a--proposed--project--sufficiently--satisfies--the--criteria  
17 prescribed-for-such-projects--by--this--Act--and--by--rule--of--the  
18 commission.

19           (7) "Commission"---means--the--Texas-Health-Facilities  
20 Commission.

21           (8) "Department" means the Texas Department of  
22 Health.

23           (9) "Expenditure minimum" means a capital expenditure  
24 of more than \$150,000 or any other unadjusted minimum as defined by  
25 federal law.

26           (10) "Development"---means-those--activities,--other  
27 than--planning--or-predevelopment-activities,--as-determined-by-rule

1 of--the--commission,--which--on--their--completion--result--in--the  
2 consummation--of--a--project--or--a--significant-financial-commitment  
3 toward-the-consummation-of-a-project,--and--includes-the-adoption--of  
4 ordinances,--orders,--or--resolutions--authorizing--the-issuance-of  
5 bonds-

6 [ (8) ] "Federal law" includes the National Health  
7 Planning and Resources Development Act of 1974 (P.L. 93-641), as  
8 amended by the Health Planning and Resources Development Amendments  
9 of 1979 (P.L. 96-79), and Public Laws 79-725, 88-164, 89-749,  
10 [91-515,] and 92-603, the federal rules and regulations promulgated  
11 under those Acts, and other pertinent federal authority.

12 (6) [ (9) ] "Health-care facility," referred to as  
13 "facility," means[ ,--regardless-of-ownership,] a public or private  
14 hospital, skilled nursing facility, intermediate care facility,  
15 ambulatory surgical facility, family planning clinic which performs  
16 ambulatory surgical procedures, rural health initiative clinic,  
17 urban health initiative clinic, kidney disease treatment facility,  
18 inpatient rehabilitation facility, and other facilities as defined  
19 by federal law, but does not include the office of physicians or  
20 practitioners of the healing arts singly or in groups in the  
21 conduct of their profession.

22 (7) [ (10) ] "Health maintenance organization," referred  
23 to as "HMO," has the meaning given the term in the Texas Health  
24 Maintenance Organization Act.

25 (8) [ (11) ]--"Health-systems-agency"--means--a--nonprofit  
26 private--corporation--or--public-regional-planning-body-acting-as-an  
27 instrumentality--of--the--federal--government--and--designated---in

1 accordance-with-federal-law-and-subject-to-approval-of-the-governor  
2 and-his-periodic-review-and-redesignation.

3 [ (12) ] "Institutional health-care services," referred  
4 to as "services," means the health-care services provided in  
5 health-care facilities and includes, but is not limited to,  
6 inpatient or outpatient services for observation, diagnosis,  
7 treatment, or rehabilitation, and all care for patients with  
8 obstetrical, medical, surgical, tubercular, mental, alcoholic, drug  
9 abuse, chronic, rehabilitative, or other conditions.

10 [ (13) ] --"Party"--means--any---person---who---by---formal  
11 intervention--or--action--as--determined--by--rule-of-the-commission  
12 participates-in-the-consideration-of-a-specific-application-by--the  
13 commission.

14 [ (14) ] --"Person"-----means-----an-----individual,-----sole  
15 proprietorship,--charity,--trust,---estate,---institution,---group,  
16 association,--firm,--joint-venture,--partnership,--joint-stock-company,  
17 cooperative,--corporation,--the-state-or-a-political-subdivision-or  
18 instrumentality-of-the-state,--any-receiver,--trustee,--assignee,--or  
19 other-similar-representative-or-any-other-legal-entity.

20 [ (15) ] --"Project"---means--services,--facility,--or--HMO  
21 requiring-a-certificate-of-need-or-other-action-under-this-Act.

22 [ (16) ] --"Statewide-Health-Coordinating-Council"--means--a  
23 twenty-one---person---council,--in--accordance--with--federal--law,  
24 appointed--by--the--governor,--to--provide--rules--and--regulations  
25 governing--the--development--and--implementation-of-the-state-health  
26 plan.

27 [ (17) ] --"Capital-expenditure"--means-an-expenditure--made

by--or--on--behalf-of-a-health-care-facility-which,-under-generally  
accepted-accounting-principles,-is-not-properly--chargeable--as--an  
expense-of-operation-or-maintenance-

[ (18) --"Expenditure---minimum"---means---a---capital  
expenditure-that-exceeds-\$150,000-or-any-other--unadjusted--minimum  
as-may-be-defined-by-federal-law. ]

Sec. 1.04. ADMINISTRATIVE PROCEDURE. The Administrative  
Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas  
Civil Statutes) applies to all proceedings under this Act except to  
the extent inconsistent with this Act.

Sec. 1.05. AUTHORITY OF THE GOVERNOR. (a) As the chief  
executive and planning officer of this state, the governor is  
authorized to perform those duties and functions assigned to him by  
federal law. The governor is authorized to transfer personnel,  
equipment, records, obligations, appropriations, functions, and  
duties of his office to another agency.

(b) The governor by executive order may establish a capital  
expenditure review program in compliance with federal law if the  
governor finds that such a review program is necessary to prevent  
the loss of federal funds. The governor's findings, including a  
brief description of the reason for the findings, must be included  
in the text of an order issued under this subsection. If  
necessary, the governor may use any available funds to implement  
this subsection.

(c) An executive order issued under Subsection (b) of this  
section expires on the September 1 that follows the next regular  
session of the legislature that begins after the date the order is

1 issued, unless an earlier date is specified in the order, or unless  
2 the governor rescinds the order before that time.

3 (d) The program established by an executive order issued  
4 under Subsection (b) of this section, when authorized by the  
5 governor, may negotiate an agreement with the Secretary of Health  
6 and Human Services on behalf of the State of Texas to administer a  
7 state capital expenditure review program pursuant to Section 1122  
8 of the Social Security Act, the federal rules and regulations  
9 promulgated under that Act, and other pertinent federal authority,  
10 if after thorough review and study, the governor determines that  
11 such a review program would be necessary to prevent the loss of  
12 federal funds.

13 Sec. 1.06. INTERAGENCY CONTRACTS. Agencies, departments,  
14 instrumentalities, grantees, political subdivisions, and  
15 institutions of higher education of the state shall cooperate with  
16 the [~~commission--and--the~~] department in the performance of their  
17 assigned duties and functions.

18 Sec. 1.07. LIMITATIONS ON POWERS. Nothing in this Act shall  
19 be construed to authorize the [~~commission-or-the~~] department or any  
20 employee or official of the [~~commission-or-the~~] department to:

21 (1) exercise any supervision or control over the  
22 practice of medicine or the manner in which physician's services in  
23 private practice are provided, or over the selection, tenure,  
24 compensation, or fees of any physician in the delivery of  
25 physician's services;

26 (2) perform any duty or function under the provisions  
27 of Title XI of the Social Security Act (Section 249(f) of P.L.

92-603) or rules or regulations promulgated thereunder; or

(3) apply for grants under the provisions of Section 1526, P.L. 93-641, as amended by P.L. 96-79.

Sec. 1.08. HEALTH-RELATED STATE AGENCIES: REGIONAL ADMINISTRATION. The Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Services [Resources], and as directed by the governor, other health-related state agencies shall divide the state into regions for administrative or regulatory purposes that coincide with one or more state planning regions delineated by the governor under Chapter 391, Local Government Code [the-health service-areas-established-pursuant-to-P.L.-93-641,--as--amended--by P.L.-96-79].

#### SUBCHAPTER B [B]. FUNCTIONS OF DEPARTMENT

Sec. 2.01 [4-01]. HEALTH PLANNING AND DEVELOPMENT AGENCY. The department is designated as the state health planning and development agency for the State of Texas.

Sec. 2.02 [4-02]. GENERAL POWERS AND FUNCTIONS. (a) The department shall, in accordance with rules and regulations promulgated by the [statewide-health-coordinating] council, conduct the following duties:

(1) preparing, reviewing, and revising the preliminary state health plan for submission to the [statewide--health-coordinating] council;

(2) collecting and disseminating data necessary to support specific state health plan goals; and

(3) assisting the [statewide--health--coordinating]



1 council in the performance of its functions and duties.

2 (b) The department shall perform the duties and functions  
3 prescribed by state and federal law regarding the development of  
4 the state health plan after consultation with the Texas Department  
5 of Mental Health and Mental Retardation, the Texas Department of  
6 Human Services [Resources], and other appropriate health-related  
7 state agencies as designated by the governor.

8 (c) The department may set and charge fees relating to  
9 public health planning, data, and statistical services.

10 Sec. 2.03 [4-03]. COLLECTION OF DATA. (a) The department  
11 shall adopt rules establishing reasonable procedures for the  
12 collection of data from facilities as defined by this Act and for  
13 the dissemination of data determined to be necessary to facilitate  
14 and expedite proper and effective health planning and resource  
15 development.

16 (b) The rules must specify what type of data are required,  
17 the entities that are required to submit the data, and the period  
18 during which the data must be submitted.

19 (c) The department shall file, index, and periodically  
20 publish in a coherent manner summaries or analyses of the data  
21 collected.

22 (d) If the department does not receive the data as required  
23 by the rules, the department shall notify the entity of the problem  
24 and shall require the entity to submit the data not later than 30  
25 days after the entity receives the notification.

26 (e) An entity that does not timely submit the data after  
27 notification under Subsection (d) of this section is subject to a

1 civil penalty of not more than \$500 for each day the entity fails  
2 to submit the data. At the request of the commissioner of health,  
3 the attorney general shall institute and conduct a suit in the name  
4 of the state to recover the civil penalty.

5 (f) All data received by the department under this section  
6 that contain information identifying specific patients are  
7 confidential and may not be released unless the information  
8 identifying the patient is removed from the data.

9 Sec. 2.04 [4-04]. TEXAS HEALTH POLICY [STATEWIDE---HEALTH  
10 COORDINATING] COUNCIL. (a) The Texas Health Policy Council  
11 [statewide--health--coordinating--council] is appointed by the  
12 governor in accordance with the requirements of applicable federal  
13 law. The council must include health care providers. At least  
14 one-third of the council's members must be health care consumers.  
15 The members serve staggered two-year terms.

16 (b) The governor may appoint the chairman of the council.  
17 The members may elect a chairman by majority vote if the governor  
18 does not appoint the chairman.

19 (c) The [statewide-health-coordinating] council shall:

20 (1) provide guidance to the department in developing  
21 the state health plan;

22 (2) adopt [approve] the state health plan for  
23 submission to the governor in accordance with applicable federal  
24 law; and

25 (3) promote and direct the implementation of the state  
26 health plan's recommendations.

27 [c]--The statewide-health-coordinating-council-may-establish

1 and--charge--fees--related--to--public--health--planning--data--and  
2 statistical-services-]

3 (d) The [statewide-health-coordinating] council shall adopt  
4 rules in accordance with the Administrative Procedure and Texas  
5 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)  
6 detailing the processes used to accomplish its functions.

7 Sec. 2.05 [4-95]. STATE HEALTH PLAN. (a) The state health  
8 plan must be developed and used in accordance with applicable state  
9 and federal law and shall identify:

10 (1) major statewide health concerns;

11 (2) the availability and use of current health  
12 resources of the state; and

13 (3) the future health service and facility needs of  
14 the state.

15 (b) The state health plan must:

16 (1) propose strategies for the correction of major  
17 deficiencies in the service delivery system; and

18 (2) provide direction for the state's legislative and  
19 executive decision-making processes to implement the strategies  
20 proposed by the plan.

21 (c) Information needed for the development of the state  
22 health plan shall be gathered through systematic methods designed  
23 to include local, regional, and statewide perspectives.

24 (d) Regional perspectives must be provided through regional  
25 health planning advisory committees established by councils of  
26 government or regional planning commissions. The state health plan  
27 must specifically address the regional perspectives.

1        (e) The [~~statewide--health--coordinating~~] council, through  
2 consultation with the health and human services coordinating  
3 council, shall generate overall directives for the development of  
4 the state health plan.

5        (f) [~~e~~] The department shall submit the preliminary state  
6 health plan to the [~~statewide--health--coordinating~~] council for  
7 adoption [~~approval~~].

8        (g) The [~~f~~]~~--Before-submitting-the-state-health-plan-to-the~~  
9 ~~governor-for-adoption,--the-statewide-health--coordinating~~] council  
10 shall submit the state health plan to the health and human services  
11 coordinating council for review and comment.

12        (h) [~~g~~] The [~~statewide-health--coordinating~~] council shall  
13 submit the state health plan to the governor for approval  
14 [~~adoption~~] not later than November 1 of each even-numbered year.

15        Sec. 2.06 [~~4-06~~]. COST DATA. (a) Any state agency directly  
16 affected by a recommendation in the state health plan shall submit  
17 cost data concerning implementation of the recommendation to the  
18 department and the [~~statewide--health--coordinating~~] council and  
19 shall indicate whether the agency is requesting funds in a manner  
20 consistent with the state health plan's recommendations. If the  
21 agency is not requesting funds consistent with the state health  
22 plan's recommendations, the agency shall submit an explanation and  
23 justification of any deviations.

24        (b) The department shall submit information received under  
25 this section to the Legislative Budget Board and the governor's  
26 budget office not later than November 1 of each even-numbered year.  
27 The submission is in addition to any other fiscal reporting

1 requirements imposed on the department.

2 Sec. 2.07 [~~4.07--ASSISTANCE-UNDER-TITLE-XVI--No-application~~  
3 ~~for-assistance-under-Title-XVI-of-the-Public-Health-Service-Act-may~~  
4 ~~be---considered---by--the--department--until--the--requirements--of~~  
5 ~~Subchapters-B-and-C-of-this-Act-have-been-complied-with-~~

6 [~~Sec--4.08-~~] CONTRACTS. With the approval of the governor  
7 and after a public hearing, the department may contract with an  
8 appropriate state agency to perform specific state health planning  
9 and development agency functions of the department.

10 SECTION 9. Section 6.04, Texas Health Planning and  
11 Development Act (Article 4418h, Vernon's Texas Civil Statutes), is  
12 repealed.

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

MAY 27 1989

*Barry King*  
Secretary of the Board

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 17, 1989

TO: Honorable Chet Brooks, Chairman  
Committee on Health and Human Services  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 2473,  
as engrossed  
By: Danburg

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2473, as engrossed (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, BL

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 20, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 2473

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the creation of the Human Services Interagency Committee) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, BL



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

April 18, 1989

TO: Honorable Erwin W. Barton, Chair  
Committee on Human Services  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2473  
By: Danburg

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2473 (relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the existence, composition, and functions of certain committees that advise the council) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Health and Human Services Coordinating Council;  
LBB Staff: JO, JWH, AL, GR, CKM

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-22-89

Date

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.R. 2473 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

W. P. Hobby  
President of the Senate

G. D. Lewis  
Speaker of the House

W. P. Hobby  
President of the Senate

G. D. Lewis  
Speaker of the House

On the part of the Senate

W. P. Hobby  
President of the Senate

G. D. Lewis  
Speaker of the House

W. P. Hobby  
President of the Senate

G. D. Lewis  
Speaker of the House

On the part of the House

**NOTION TO SUSPEND ALL NECESSARY RULES IN  
ORDER TO TAKE UP AND CONSIDER AT THIS TIME  
PREVAILED BY NON-RECORD VOTE.**

Paper clip one of these forms to each of the following:  
the original and two copies to the house of origin  
three copies to the other house

**ADOPTED** *now*

MAY 29 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

*Record*

CONFERENCE COMMITTEE REPORT

H.B. 2473

A

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council; creating the Human Services Interagency Committee; providing for the exchange of health and human services data, the establishment of registries, and the administration of the Texas human immunodeficiency virus medication program; and creating the Interagency Council for Services for the Homeless.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended and Subsection (h) is added to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [the-chairman-of-the-State-Board-of-Education;

1           [~~8~~]~~--two-additional-board-chairman-of--state--agencies~~  
2 ~~delivering--health--and--human--services;--to--be--appointed-by-the~~  
3 ~~governor~~];

4           (12) [~~9~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~10~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~11~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~12~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~13~~] two members of the general public  
13 appointed by the speaker of the house.

14          (h)     The Interagency Council for Services for the Homeless  
15 is established as a subcommittee to the council and consists of:

16                 (1) one representative from each of the following  
17 agencies, appointed by the executive director or commissioner of  
18 each respective agency:

19                     (A) the Texas Department of Health;

20                     (B) the Texas Department of Human Services;

21                     (C) the Texas Housing Agency;

22                     (D) the Texas Department of Mental Health and  
23 Mental Retardation;

24                     (E) the Texas Department of Community Affairs;

25                     (F) the Texas Department on Aging;

26                     (G) the Texas Rehabilitation Commission;

27                     (H) the Central Education Agency; and

1                   (1) the Texas Commission on Alcohol and Drug  
2 Abuse;

3                   (2) one representative of the Texas Health and Human  
4 Services Coordinating Council, appointed by the governor; and

5                   (3) three members representing service providers to  
6 the homeless, one each appointed by the governor, the lieutenant  
7 governor, and the speaker of the house.

8 A member serves at the pleasure of the appointing official or  
9 until termination of the member's employment with the entity the  
10 member represents. The members of the council shall annually  
11 elect one member to serve as chairperson. The council shall meet  
12 at least quarterly. Any actions taken by the council must be  
13 approved by a majority vote of the members present.

14                   SECTION 2. (a)                   The Interagency Council  
15 for Services for the Homeless is subject to Chapter 325, Government  
16 Code (Texas Sunset Act). Unless continued in existence as provided  
17 by that chapter, the council is abolished and this Act expires  
18 September 1, 2001.

19                   (b) (1)                   The council may select and use lay and  
20 professional advisors as necessary.

21                   (2) The Texas Department of Community Affairs shall provide  
22 clerical and advisory support staff to the council.

23                   (c)                   The council shall:

24                   (1) survey current resources for services for the  
25 homeless in the state;

26                   (2) initiate an evaluation of the current and future  
27 needs for the services;

(3) assist in coordinating and providing statewide services for all homeless persons in the state;

(4) increase the flow of information among separate providers and appropriation authorities; and

(5) develop guidelines to monitor the provision of services for the homeless and the methods of service delivery.

(d) The council shall annually submit a progress report to the governing bodies of the agencies represented on the council.

(e) (1) Not later than February 1, 1991, the council shall submit a report to the 72nd Legislature recommending improvements to the present system of providing services for the homeless. The report must also detail any actions taken by the council to improve the provision of services for the homeless. The report may include recommendations to improve the operation of the council.

(2) This subsection expires September 1, 1991.

(f) - The Texas Department of Community Affairs shall establish a transitional housing pilot program in four areas of the state if funds are made available. The program shall address the needs of homeless persons for:

- (1) interim housing;
- (2) health services;
- (3) literacy training;
- (4) job training;
- (5) family counseling;

1 (6) credit counseling; and  
2 (7) other services that will stop and prevent  
3 homelessness.

4 SECTION 3. Section 131.004(a), Human Resources Code, is  
5 amended to read as follows:

6 (a) The council may:

7 (1) establish and maintain a client omnibus registry  
8 and exchange and other comprehensive data bases which facilitate  
9 the exchange of data among health and human services agencies and  
10 which cover[ing] public and private sector health and human  
11 services, programs, and clients. The data bases must assure[s  
12 that] that:

13 (A) health and mental health communications and  
14 records privileged under Chapter 239, Acts of the 66th Legislature,  
15 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
16 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
17 Civil Statutes), and the Texas Rules of Evidence remain  
18 confidential and privileged;

19 (B) personally identifiable health and mental  
20 health communications and records of persons involved in the  
21 receipt or delivery of health or human services are confidential  
22 and privileged; and

23 (C) a private source is not required to provide  
24 confidential health and mental health communications or records  
25 unless a law specifically requires disclosure;

26 (2) conduct and contract for studies of significant  
27 health and human services that may include needs assessments,

1 monitoring and tracking services among agencies, cost analyses,  
2 forecasting, consideration of current problems of target  
3 populations, long-term results of services, and issues of  
4 multilevel or multiagency service delivery;

5 (3) serve as the primary state resource in  
6 coordinating and planning for health and human services;

7 (4) analyze federal, state, county, municipal, agency,  
8 and public/private sector relationships to coordinate efforts to  
9 plan and deliver health and human services;

10 (5) provide a central information and referral source  
11 concerning health and human services, programs, and clients;

12 (6) review existing and proposed actions and policies  
13 of federal agencies to determine the health and human services  
14 impact on Texas and recommend to the governor and the legislature  
15 alternative actions and policies consistent with state health and  
16 human services policy;

17 (7) provide advice to agencies, organizations, and  
18 governmental entities concerning the analysis of needs and the  
19 development, evaluation, and coordination of health and human  
20 services;

21 (8) conduct regular and comprehensive reviews and  
22 analyses of health and human services policy and make such  
23 recommendations as deemed necessary to the governor and to the  
24 legislature; and

25 (9) before December 1 of each even-numbered year, file  
26 a report with the governor and the legislature concerning the  
27 activities of the council.



1           SECTION 4. Chapter 131, Human Resources Code, is amended by  
2 adding Section 131.0042 to read as follows:

3           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)

4           The Human Services Interagency Committee is established.

5           (b) The committee is composed of:

6                   (1) the commissioner of health;

7                   (2) the commissioner of human services;

8                   (3) the commissioner of the Texas Rehabilitation

9 Commission;

10                   (4) the executive director of the Texas Commission on

11 Alcohol and Drug Abuse;

12                   (5) the executive director of the Texas Commission for

13 the Blind;

14                   (6) the executive director of the Texas Commission for

15 the Deaf;

16                   (7) the commissioner of mental health and mental

17 retardation;

18                   (8) the commissioner of education;

19                   (9) the executive director of the Texas Youth

20 Commission;

21                   (10) the executive director of the Texas Juvenile

22 Probation Commission;

23                   (11) the agency administrator of the Texas Employment

24 Commission; and

25                   (12) the director of the child support enforcement

26 division of the office of the attorney general.

27           (c) The committee shall advise the council on health and  
28 human services policy and implementation issues.

29           (d) The committee shall meet at least quarterly.

1           SECTION 5. Article 4414b, Title 71, Revised Statutes, is  
2 amended by adding Section 2.01 to read as follows:

3           Sec. 2.01. (a) The department is authorized to establish  
4 a registry or system of registries for providers of health-related  
5 services who are not otherwise licensed, registered, or certified  
6 by any state agency, board or commission.

7           (b) The board may by rule adopt reasonable registration  
8 fees to cover the costs of establishing and maintaining a registry  
9 and may adopt other rules as necessary to administer this section.

10          (c) A person seeking to register with the department must  
11 submit a request for registration on a form prescribed by the  
12 department.

13          (d) The board may appoint advisory committees, if needed,  
14 to assist the board and department in implementing a registry or  
15 system of registries established under this section.

16           SECTION 6. MEDICATION PROGRAM. (a) The Texas Human  
17 Immunodeficiency Virus Medication Program is established  
18 under the Texas Health and Human Services Coordinating  
19 Council. The council may delegate administration of the  
20 program to the Texas Department of Health.

21          (b) The program shall assist hospital districts, local  
22 health departments, public or nonprofit hospitals and clinics,  
23 nonprofit community organizations, and HIV-infected individuals  
24 in the purchase of medications approved by the Texas Board of  
25 Health that have been shown to be effective in reducing  
26 hospitalizations due to HIV-related conditions and in improving  
27 the quality and longevity of the life of a person with HIV  
28 infection.

1           (c) ~~FUNDING.~~ (1) The council may accept and use local,  
2 state, and federal funds and private donations to fund the  
3 program.

4           (2) State, local, and private funds may be used to  
5 qualify for federal matching funds, if federal funding is  
6 available.

7           (3) Hospital districts, local health departments,  
8 public or nonprofit hospitals and clinics, and nonprofit  
9 community organizations may participate in the program by  
10 sending funds to the council for the purpose of assisting  
11 their clients in the purchase of HIV medications. A hospital  
12 district may send funds from any source, including taxes  
13 levied by the district.

14           (4) The council shall deposit money received under  
15 this section in the state treasury to the credit of the HIV  
16 medication fund and to the credit of a special account in that  
17 fund that shall be established for each entity sending funds  
18 under this section.

19           (5) Funds received from a hospital district, local  
20 health department, public or nonprofit hospital or clinic, or  
21 nonprofit community organization may be used only to provide  
22 assistance to their clients or patients. The funds may be  
23 supplemented with other funds available for the purpose of the  
24 program.

25           (6) The council or administering agency as delegated  
26 by the council may institute a sliding fee scale to help  
27 eligible HIV-infected individuals purchase medications under  
28 this program.

1 (d) ~~ELIGIBILITY~~. To be eligible for the program, an  
2 individual:

3 (1) must not be eligible for Medicaid benefits;

4 (2) must meet financial eligibility criteria set  
5 by board rule;

6 (3) must not qualify for any other state or federal  
7 program available for financing the purchase of the prescribed  
8 medication; and

9 (4) must be diagnosed by a licensed physician as  
10 having AIDS or an HIV-related condition or illness of at least  
11 the minimal severity as determined by the board.

12 SECTION 7. This Act takes effect September 1, 1989.

13 SECTION 8. The importance of this legislation and the  
14 crowded condition of the calendars in both houses create an  
15 emergency and an imperative public necessity that the  
16 constitutional rule requiring bills to be read on three several  
17 days in each house be suspended, and this rule is hereby suspended.

--

SIDE-BY-SIDE COMPARISON

CONFERENCE COMMITTEE ON H.B. 2473

SENATE

HOUSE

CONFERENCE COMMITTEE

SECTION 1. Expansion of the membership of the Health and Human Services Coordinating Council and establishment of the Interagency Council for Services for the Homeless.

SECTION 2. Outlines the duties of the council for the homeless and subjects that council to the Sunset Act.

SECTION 3. Clarifies that the Coordinating Council is authorized to establish and maintain the client omnibus registry and exchange.

SECTION 4. Exempts certain public housing for indigents from Subchapter B, Chapter 11, Tax Code.

SECTION 5. Establishes the Human Services Interagency Committee and its composition and duties.

SECTION 6. Authorizes the establishment of registries relating to health providers who are not licensed, registered, or certified by any state agency, board, or commission.

SECTION 1. Expansion of the membership of the Coordinating Council.

SECTION 2. Clarifies that the data bases covering public and private sector health and human services also includes programs and clients.

SECTION 3. Establishes the Human Services Interagency Committee and its composition and duties.

SECTION 4. Effective date.

SECTION 5. Emergency clause.

SECTION 6. Not included.

SECTION 1. Senate.

SECTION 2. Senate.

SECTION 3. Senate.

SECTION 4. Same as House SECTION 3

SECTION 5. Same as Senate SECTION 6

SECTION 6. Similar to Senate SEC. 7, but provides for administration of the program by the Coordinating Council and authorizes the Council to delegate to the Department of Health.

CONFERENCE COMMITTEE ON H.B. 2473

SENATE

HOUSE

CONFERENCE COMMITTEE

SECTION 7. Establishes the Texas HIV Medication Program within the Department of Health.

SECTION 8. Revises the Texas Health Planning and Development Act.

SECTION 9. Repeals Section 6.04, Texas Health Planning and Development Act.

SECTION 10. Effective date.

SECTION 11. Emergency clause.

SECTION 7. Not included in the House.

SECTION 8. Not included in House.

SECTION 9. Not included in House.

SECTION 10. Not included in House

SECTION 11. Not included in House.

SECTION 7. Effective date of Act--same as House SECTION 4 and Senate SECTION 10.

SECTION 8. Emergency clause.

SECTION 9. Same as House.

SECTION 10. Same as House.

SECTION 11. Same as House.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-29-89

Date

ADOPTED

MAY 29 1989

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 2473 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Chest Brooks  
BROOKS, CHAIR

J. Barrientos  
BARRIENTOS

Carl Parker  
PARKER

E. B. Johnson  
JOHNSON

Uribe

On the part of the Senate  
URIBE

Danburg  
DANBURG, CHAIR

Fred Blair  
BLAIR

Billy Clemens  
CLEMENS

Jack C. Towell  
TOWELL

Dick Waterfield  
On the part of the House  
WATERFIELD

Paper clip one of these forms to each of the following:  
the original and two copies to the house of origin  
three copies to the other house

MAY 29 1989 *Read and filed*

CONFERENCE COMMITTEE REPORT

H.B. 2473  
A

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council; creating the Human Services Interagency Committee; providing for the exchange of health and human services data, the establishment of registries, and the administration of the Texas human immunodeficiency virus medication program; and creating the Interagency Council for Services for the Homeless.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001(b), Human Resources Code, is amended, and Subsection (h) is added, to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the Blind;
- (10) the chairman of the Texas Commission for the Deaf;
- (11) the chairman of the Texas Rehabilitation Commission [the-chairman-of-the-State-Board-of-Education;



1           [~~(8)~~--two-additional-board-chairman-of--state--agencies  
2 delivering--health--and--human--services;--to--be--appointed-by-the  
3 governor];

4           (12) [~~(9)~~] two senators appointed by the lieutenant  
5 governor;

6           (13) [~~(10)~~] two members of the house of  
7 representatives appointed by the speaker of the house;

8           (14) [~~(11)~~] two members of the general public  
9 appointed by the governor;

10          (15) [~~(12)~~] two members of the general public  
11 appointed by the lieutenant governor; and

12          (16) [~~(13)~~] two members of the general public  
13 appointed by the speaker of the house.

14          (h)    The Interagency Council for Services for the Homeless  
15 is established as a subcommittee to the council and consists of:

16                (1) one representative from each of the following  
17 agencies, appointed by the executive director or commissioner of  
18 each respective agency:

19                    (A) the Texas Department of Health;

20                    (B) the Texas Department of Human Services;

21                    (C) the Texas Housing Agency;

22                    (D) the Texas Department of Mental Health and

23 Mental Retardation;

24                    (E) the Texas Department of Community Affairs;

25                    (F) the Texas Department on Aging;

26                    (G) the Texas Rehabilitation Commission;

27                    (H) the Central Education Agency; and

1                    (1) the Texas Commission on Alcohol and Drug  
2 Abuse;

3                    (2) one representative of the Texas Health and Human  
4 Services Coordinating Council, appointed by the governor; and

5                    (3) three members representing service providers to  
6 the homeless, one each appointed by the governor, the lieutenant  
7 governor, and the speaker of the house.

8                    A member serves at the pleasure of the appointing official or  
9 until termination of the member's employment with the entity the  
10 member represents. The members of the council shall annually  
11 elect one member to serve as chairperson. The council shall meet  
12 at least quarterly. Any actions taken by the council must be  
13 approved by a majority vote of the members present.

14                    SECTION 2. (a)                    The Interagency Council  
15 for Services for the Homeless is subject to Chapter 325, Government  
16 Code (Texas Sunset Act). Unless continued in existence as provided  
17 by that chapter, the council is abolished and this Act expires  
18 September 1, 2001.

19                    (b) (1)                    The council may select and use lay and  
20 professional advisors as necessary.

21                    (2) The Texas Department of Community Affairs shall provide  
22 clerical and advisory support staff to the council.

23                    (c)                    The council shall:

24                    (1) survey current resources for services for the  
25 homeless in the state;

26                    (2) initiate an evaluation of the current and future  
27 needs for the services;

1           (3) assist in coordinating and providing statewide  
2 services for all homeless persons in the state;

3           (4) increase the flow of information among separate  
4 providers and appropriation authorities; and

5           (5) develop guidelines to monitor the provision of  
6 services for the homeless and the methods of service delivery.

7           (d)                               The council shall annually submit a  
8 progress report to the governing bodies of the agencies represented  
9 on the council.

10           (e) (1)   Not later than  
11 February 1, 1991, the council shall submit a report to the 72nd  
12 Legislature recommending improvements to the present system of  
13 providing services for the homeless. The report must also detail  
14 any actions taken by the council to improve the provision of  
15 services for the homeless. The report may include recommendations  
16 to improve the operation of the council.

17           (2) This subsection expires September 1, 1991.

18           (f)   The Texas  
19 Department of Community Affairs shall establish a transitional  
20 housing pilot program in four areas of the state if funds are made  
21 available. The program shall address the needs of homeless persons  
22 for:

- 23           (1) interim housing;  
24           (2) health services;  
25           (3) literacy training;  
26           (4) job training;  
27           (5) family counseling;

1 (6) credit counseling; and  
2 (7) other services that will stop and prevent  
3 homelessness.

4 SECTION 3. Section 131.004(a), Human Resources Code, is  
5 amended to read as follows:

6 (a) The council may:

7 (1) establish and maintain a client omnibus registry  
8 and exchange and other comprehensive data bases which facilitate  
9 the exchange of data among health and human services agencies and  
10 which cover[ing] public and private sector health and human  
11 services, programs, and clients. The data bases must assure[s]  
12 that] that:

13 (A) health and mental health communications and  
14 records privileged under Chapter 239, Acts of the 66th Legislature,  
15 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
16 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
17 Civil Statutes), and the Texas Rules of Evidence remain  
18 confidential and privileged;

19 (B) personally identifiable health and mental  
20 health communications and records of persons involved in the  
21 receipt or delivery of health or human services are confidential  
22 and privileged; and

23 (C) a private source is not required to provide  
24 confidential health and mental health communications or records  
25 unless a law specifically requires disclosure;

26 (2) conduct and contract for studies of significant  
27 health and human services that may include needs assessments,

1 monitoring and tracking services among agencies, cost analyses,  
2 forecasting, consideration of current problems of target  
3 populations, long-term results of services, and issues of  
4 multilevel or multiagency service delivery;

5 (3) serve as the primary state resource in  
6 coordinating and planning for health and human services;

7 (4) analyze federal, state, county, municipal, agency,  
8 and public/private sector relationships to coordinate efforts to  
9 plan and deliver health and human services;

10 (5) provide a central information and referral source  
11 concerning health and human services, programs, and clients;

12 (6) review existing and proposed actions and policies  
13 of federal agencies to determine the health and human services  
14 impact on Texas and recommend to the governor and the legislature  
15 alternative actions and policies consistent with state health and  
16 human services policy;

17 (7) provide advice to agencies, organizations, and  
18 governmental entities concerning the analysis of needs and the  
19 development, evaluation, and coordination of health and human  
20 services;

21 (8) conduct regular and comprehensive reviews and  
22 analyses of health and human services policy and make such  
23 recommendations as deemed necessary to the governor and to the  
24 legislature; and

25 (9) before December 1 of each even-numbered year, file  
26 a report with the governor and the legislature concerning the  
27 activities of the council.

1           SECTION 4. Chapter 131, Human Resources Code, is amended by  
2 adding Section 131.0042 to read as follows:

3           Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)

4           The Human Services Interagency Committee is established.

5           (b) The committee is composed of:

6                   (1) the commissioner of health;

7                   (2) the commissioner of human services;

8                   (3) the commissioner of the Texas Rehabilitation

9 Commission;

10                   (4) the executive director of the Texas Commission on

11 Alcohol and Drug Abuse;

12                   (5) the executive director of the Texas Commission for

13 the Blind;

14                   (6) the executive director of the Texas Commission for

15 the Deaf;

16                   (7) the commissioner of mental health and mental

17 retardation;

18                   (8) the commissioner of education;

19                   (9) the executive director of the Texas Youth

20 Commission;

21                   (10) the executive director of the Texas Juvenile

22 Probation Commission;

23                   (11) the agency administrator of the Texas Employment

24 Commission; and

25                   (12) the director of the child support enforcement

26 division of the office of the attorney general.

27           (c) The committee shall advise the council on health and  
28 human services policy and implementation issues.

29           (d) The committee shall meet at least quarterly.

1           SECTION 5.   Article 4414b, Title 71, Revised Statutes, is  
2 amended by adding Section 2.01 to read as follows:

3           Sec. 2.01. (a) The department is authorized to establish  
4 a registry or system of registries for providers of health-related  
5 services who are not otherwise licensed, registered, or certified  
6 by any state agency, board, or commission.

7           (b) The board may by rule adopt reasonable registration  
8 fees to cover the costs of establishing and maintaining a registry  
9 and may adopt other rules as necessary to administer this section.

10          (c) A person seeking to register with the department must  
11 submit a request for registration on a form prescribed by the  
12 department.

13          (d) The board may appoint advisory committees, if needed,  
14 to assist the board and department in implementing a registry or  
15 system of registries established under this section.

16          SECTION 6. MEDICATION-PROGRAM. (a) The Texas Human  
17 Immunodeficiency Virus Medication Program is established  
18 under the Texas Health and Human Services Coordinating  
19 Council. The council may delegate administration of the  
20 program to the Texas Department of Health.

21          (b) The program shall assist hospital districts, local  
22 health departments, public or nonprofit hospitals and clinics,  
23 nonprofit community organizations, and HIV-infected individuals  
24 in the purchase of medications approved by the Texas Board of  
25 Health that have been shown to be effective in reducing  
26 hospitalizations due to HIV-related conditions and in improving  
27 the quality and longevity of the life of a person with HIV  
28 infection.

1 (c) FUNDING. (1) The council may accept and use local,  
2 state, and federal funds and private donations to fund the  
3 program.

4 (2) State, local, and private funds may be used to  
5 qualify for federal matching funds, if federal funding is  
6 available.

7 (3) Hospital districts, local health departments,  
8 public or nonprofit hospitals and clinics, and nonprofit  
9 community organizations may participate in the program by  
10 sending funds to the council for the purpose of assisting  
11 their clients in the purchase of HIV medications. A hospital  
12 district may send funds from any source, including taxes  
13 levied by the district.

14 (4) The council shall deposit money received under  
15 this section in the state treasury to the credit of the HIV  
16 medication fund and to the credit of a special account in that  
17 fund that shall be established for each entity sending funds  
18 under this section.

19 (5) Funds received from a hospital district, local  
20 health department, public or nonprofit hospital or clinic, or  
21 nonprofit community organization may be used only to provide  
22 assistance to their clients or patients. The funds may be  
23 supplemented with other funds available for the purpose of the  
24 program.

25 (6) The council or administering agency as delegated  
26 by the council may institute a sliding fee scale to help  
27 eligible HIV-infected individuals purchase medications under  
28 this program.



1 (d) ~~ELIGIBILITY~~ To be eligible for the program, an  
2 individual:

3 (1) must not be eligible for Medicaid benefits;

4 (2) must meet financial eligibility criteria set  
5 by board rule;

6 (3) must not qualify for any other state or federal  
7 program available for financing the purchase of the prescribed  
8 medication; and

9 (4) must be diagnosed by a licensed physician as  
10 having AIDS or an HIV-related condition or illness of at least  
11 the minimal severity as determined by the board.

12 SECTION 7. This Act takes effect September 1, 1989.

13 SECTION 8. The importance of this legislation and the  
14 crowded condition of the calendars in both houses create an  
15 emergency and an imperative public necessity that the  
16 constitutional rule requiring bills to be read on three several  
17 days in each house be suspended, and this rule is hereby suspended.

--

SIDE-BY-SIDE COMPARISON

CONFERENCE COMMITTEE ON H.B. 2473

SENATE

HOUSE

CONFERENCE COMMITTEE

SECTION 1. Expansion of the membership of the Health and Human Services Coordinating Council and establishment of the Interagency Council for Services for the Homeless.

SECTION 2. Outlines the duties of the council for the homeless and subjects that council to the Sunset Act.

SECTION 3. Clarifies that the Coordinating Council is authorized to establish and maintain the client omnibus registry and exchange.

SECTION 4. Exempts certain public housing for indigents from Subchapter B, Chapter 11, Tax Code.

SECTION 5. Establishes the Human Services Interagency Committee and its composition and duties.

SECTION 6. Authorizes the establishment of registries relating to health providers who are not licensed, registered, or certified by any state agency, board, or commission.

SECTION 1. Expansion of the membership of the Coordinating Council.

SECTION 2. Clarifies that the data bases covering public and private sector health and human services also includes programs and clients.

SECTION 3. Establishes the Human Services Interagency Committee and its composition and duties.

SECTION 4. Effective date.

SECTION 5. Emergency clause.

SECTION 6. Not included.

SECTION 1. Senate.

SECTION 2. Senate.

SECTION 3. Senate.

SECTION 4. Same as House SECTION 3

SECTION 5. Same as Senate SECTION 6

SECTION 6. Similar to Senate SEC. 7, but provides for administration of the program by the Coordinating Council and authorizes the Council to delegate to the Department of Health.

CONFERENCE COMMITTEE ON H.B. 2473

SENATE

HOUSE

CONFERENCE COMMITTEE

SECTION 7. Establishes the Texas HIV Medication Program within the Department of Health.

SECTION 8. Revises the Texas Health Planning and Development Act.

SECTION 9. Repeals Section 6.04, Texas Health Planning and Development Act.

SECTION 10. Effective date.

SECTION 11. Emergency clause.

SECTION 7. Not included in the House.

SECTION 8. Not included in House.

SECTION 9. Not included in House.

SECTION 10. Not included in House

SECTION 11. Not included in House.

SECTION 7. Effective date of Act--same as House SECTION 4 and Senate SECTION 10.

SECTION 8. Emergency clause.

SECTION 9. Same as House.

SECTION 10. Same as House.

SECTION 11. Same as House.

F

**ENROLLED**  
H.B. No. 2473

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council; creating the Human Services Interagency Committee; providing for the exchange of health and human services data, the establishment of registries, and the administration of the Texas human immunodeficiency virus medication program; and creating the Interagency Council for Services for the Homeless.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001, Human Resources Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b) The council consists of:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chairman of the Texas Board of Human Services;
- (5) the chairman of the Texas Board of Health;
- (6) the chairman of the Texas Board of Mental Health and Mental Retardation;
- (7) the chairman of the Texas Board on Aging;
- (8) the chairman of the Texas Commission on Alcohol and Drug Abuse;
- (9) the chairman of the Texas Commission for the

1     Blind;

2                     (10) the chairman of the Texas Commission for the  
3     Deaf;

4                     (11) the chairman of the Texas Rehabilitation  
5     Commission [~~the chairman of the State Board of Education,~~  
6                     ~~[ (8) -- two additional board chairman of -- state -- agencies~~  
7     ~~delivering -- health -- and -- human -- services, -- to -- be -- appointed by the~~  
8     ~~governor~~];

9                     (12) [ (9) ] two senators appointed by the lieutenant  
10    governor;

11                    (13) [ (10) ] two members of the house of  
12    representatives appointed by the speaker of the house;

13                    (14) [ (11) ] two members of the general public  
14    appointed by the governor;

15                    (15) [ (12) ] two members of the general public  
16    appointed by the lieutenant governor; and

17                    (16) [ (13) ] two members of the general public  
18    appointed by the speaker of the house.

19                    (h) The Interagency Council for Services for the Homeless is  
20    established as a subcommittee to the council and consists of:

21                    (1) one representative from each of the following  
22    agencies, appointed by the executive director or commissioner of  
23    each respective agency:

24                    (A) the Texas Department of Health;

25                    (B) the Texas Department of Human Services;

26                    (C) the Texas Housing Agency;

27                    (D) the Texas Department of Mental Health and

1 Mental Retardation;

2 (E) the Texas Department of Community Affairs;

3 (F) the Texas Department on Aging;

4 (G) the Texas Rehabilitation Commission;

5 (H) the Central Education Agency; and

6 (I) the Texas Commission on Alcohol and Drug

7 Abuse;

8 (2) one representative of the Texas Health and Human  
9 Services Coordinating Council, appointed by the governor; and

10 (3) three members representing service providers to  
11 the homeless, one each appointed by the governor, the lieutenant  
12 governor, and the speaker of the house. A member serves at the  
13 pleasure of the appointing official or until termination of the  
14 member's employment with the entity the member represents. The  
15 members of the council shall annually elect one member to serve as  
16 chairperson. The council shall meet at least quarterly. Any  
17 actions taken by the council must be approved by a majority vote of  
18 the members present.

19 SECTION 2. (a) The Interagency Council for Services for the  
20 Homeless is subject to Chapter 325, Government Code (Texas Sunset  
21 Act). Unless continued in existence as provided by that chapter,  
22 the council is abolished and this Act expires September 1, 2001.

23 (b)(1) The council may select and use lay and professional  
24 advisors as necessary.

25 (2) The Texas Department of Community Affairs shall  
26 provide clerical and advisory support staff to the council.

27 (c) The council shall:

1           (1) survey current resources for services for the  
2 homeless in the state;

3           (2) initiate an evaluation of the current and future  
4 needs for the services;

5           (3) assist in coordinating and providing statewide  
6 services for all homeless persons in the state;

7           (4) increase the flow of information among separate  
8 providers and appropriation authorities; and

9           (5) develop guidelines to monitor the provision of  
10 services for the homeless and the methods of service delivery.

11          (d) The council shall annually submit a progress report to  
12 the governing bodies of the agencies represented on the council.

13          (e)(1) Not later than February 1, 1991, the council shall  
14 submit a report to the 72nd Legislature recommending improvements  
15 to the present system of providing services for the homeless. The  
16 report must also detail any actions taken by the council to improve  
17 the provision of services for the homeless. The report may include  
18 recommendations to improve the operation of the council.

19               (2) This subsection expires September 1, 1991.

20          (f) The Texas Department of Community Affairs shall  
21 establish a transitional housing pilot program in four areas of the  
22 state if funds are made available. The program shall address the  
23 needs of homeless persons for:

24               (1) interim housing;

25               (2) health services;

26               (3) literacy training;

27               (4) job training;

1           (5) family counseling;  
2           (6) credit counseling; and  
3           (7) other services that will stop and prevent  
4 homelessness.

5           SECTION 3. Section 131.004(a), Human Resources Code, is  
6 amended to read as follows:

7           (a) The council may:

8           (1) establish and maintain a client omnibus registry  
9 and exchange and other comprehensive [central] data bases which  
10 facilitate the exchange of data among health and human services  
11 agencies and which cover [base-covering] public and private sector  
12 health and human services, programs, and clients. The data bases  
13 must assure [that-assures] that:

14           (A) health and mental health communications and  
15 records privileged under Chapter 239, Acts of the 66th Legislature,  
16 Regular Session, 1979 (Article 5561h, Vernon's Texas Civil  
17 Statutes), the Medical Practice Act (Article 4495b, Vernon's Texas  
18 Civil Statutes), and the Texas Rules of Evidence remain  
19 confidential and privileged;

20           (B) personally identifiable health and mental  
21 health communications and records of persons involved in the  
22 receipt or delivery of health or human services are confidential  
23 and privileged; and

24           (C) a private source is not required to provide  
25 confidential health and mental health communications or records  
26 unless a law specifically requires disclosure;

27           (2) conduct and contract for studies of significant



1 health and human services that may include needs assessments,  
2 monitoring and tracking services among agencies, cost analyses,  
3 forecasting, consideration of current problems of target  
4 populations, long-term results of services, and issues of  
5 multilevel or multiagency service delivery;

6 (3) serve as the primary state resource in  
7 coordinating and planning for health and human services;

8 (4) analyze federal, state, county, municipal, agency,  
9 and public/private sector relationships to coordinate efforts to  
10 plan and deliver health and human services;

11 (5) provide a central information and referral source  
12 concerning health and human services, programs, and clients;

13 (6) review existing and proposed actions and policies  
14 of federal agencies to determine the health and human services  
15 impact on Texas and recommend to the governor and the legislature  
16 alternative actions and policies consistent with state health and  
17 human services policy;

18 (7) provide advice to agencies, organizations, and  
19 governmental entities concerning the analysis of needs and the  
20 development, evaluation, and coordination of health and human  
21 services;

22 (8) conduct regular and comprehensive reviews and  
23 analyses of health and human services policy and make such  
24 recommendations as deemed necessary to the governor and to the  
25 legislature; and

26 (9) before December 1 of each even-numbered year, file  
27 a report with the governor and the legislature concerning the

1 activities of the council.

2 SECTION 4. Chapter 131, Human Resources Code, is amended, by  
3 adding Section 131.0042 to read as follows:

4 Sec. 131.0042. HUMAN SERVICES INTERAGENCY COMMITTEE. (a)  
5 The Human Services Interagency Committee is established.

6 (b) The committee is composed of:

- 7 (1) the commissioner of health;  
8 (2) the commissioner of human services;  
9 (3) the commissioner of the Texas Rehabilitation  
10 Commission;  
11 (4) the executive director of the Texas Commission on  
12 Alcohol and Drug Abuse;  
13 (5) the executive director of the Texas Commission for  
14 the Blind;  
15 (6) the executive director of the Texas Commission for  
16 the Deaf;  
17 (7) the commissioner of mental health and mental  
18 retardation;  
19 (8) the commissioner of education;  
20 (9) the executive director of the Texas Youth  
21 Commission;  
22 (10) the executive director of the Texas Juvenile  
23 Probation Commission;  
24 (11) the agency administrator of the Texas Employment  
25 Commission; and  
26 (12) the director of the child support enforcement  
27 division of the office of the attorney general.

1        (c) The committee shall advise the council on health and  
2 human services policy and implementation issues.

3        (d) The committee shall meet at least quarterly.

4        SECTION 5.    Article 4414b, Revised Statutes, is amended by  
5 adding Section 2.01 to read as follows:

6        Sec. 2.01.    REGISTRY.    (a) The department is authorized to  
7 establish a registry or system of registries for providers of  
8 health-related services who are not otherwise licensed, registered,  
9 or certified by any state agency, board, or commission.

10       (b) The board may by rule adopt reasonable registration fees  
11 to cover the costs of establishing and maintaining a registry and  
12 may adopt other rules as necessary to administer this section.

13       (c) A person seeking to register with the department must  
14 submit a request for registration on a form prescribed by the  
15 department.

16       (d) The board may appoint advisory committees, if needed, to  
17 assist the board and department in implementing a registry or  
18 system of registries established under this section.

19       SECTION 6.    (a)    The Texas Human Immunodeficiency Virus  
20 Medication Program is established under the Texas Health and Human  
21 Services Coordinating Council.    The council may delegate  
22 administration of the program to the Texas Department of Health.

23       (b) The program shall assist hospital districts, local  
24 health departments, public or nonprofit hospitals and clinics,  
25 nonprofit community organizations, and HIV-infected individuals in  
26 the purchase of medications approved by the Texas Board of Health  
27 that have been shown to be effective in reducing hospitalizations

1 due to HIV-related conditions and in improving the quality and  
2 longevity of the life of a person with HIV infection.

3 (c)(1) The council may accept and use local, state, and  
4 federal funds and private donations to fund the program.

5 (2) State, local, and private funds may be used to  
6 qualify for federal matching funds, if federal funding is  
7 available.

8 (3) Hospital districts, local health departments,  
9 public or nonprofit hospitals and clinics, and nonprofit community  
10 organizations may participate in the program by sending funds to  
11 the council for the purpose of assisting their clients in the  
12 purchase of HIV medications. A hospital district may send funds  
13 from any source, including taxes levied by the district.

14 (4) The council shall deposit money received under  
15 this section in the state treasury to the credit of the HIV  
16 medication fund and to the credit of a special account in that fund  
17 that shall be established for each entity sending funds under this  
18 section.

19 (5) Funds received from a hospital district, local  
20 health department, public or nonprofit hospital or clinic, or  
21 nonprofit community organization may be used only to provide  
22 assistance to their clients or patients. The funds may be  
23 supplemented with other funds available for the purpose of the  
24 program.

25 (6) The council or administering agency as delegated  
26 by the council may institute a sliding fee scale to help eligible  
27 HIV-infected individuals purchase medications under this program.

1 (d) To be eligible for the program, an individual:

2 (1) must not be eligible for Medicaid benefits;

3 (2) must meet financial eligibility criteria set by  
4 board rule;

5 (3) must not qualify for any other state or federal  
6 program available for financing the purchase of the prescribed  
7 medication; and

8 (4) must be diagnosed by a licensed physician as  
9 having AIDS or an HIV-related condition or illness of at least the  
10 minimal severity as determined by the board.

11 SECTION 7. This Act takes effect September 1, 1989.

12 SECTION 8. The importance of this legislation and the  
13 crowded condition of the calendars in both houses create an  
14 emergency and an imperative public necessity that the  
15 constitutional rule requiring bills to be read on three several  
16 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 2473

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2473 was passed by the House on May 12, 1989, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2473 on May 29, 1989, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2473 on May 29, 1989, by a non-record vote.

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Chief Clerk of the House

H.B. No. 2473

I certify that H.B. No. 2473 was passed by the Senate, with amendments, on May 27, 1989, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2473 on May 29, 1989, by a viva-voce vote.

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Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2473<sup>✓</sup> was passed by the House on  
(1)

(2) May 12<sup>✓</sup>, 1989, by a non-record vote; that the

House refused to concur in Senate amendments to H.B. No. 2473<sup>✓</sup> on

(3) May 29<sup>✓</sup>, 1989, and requested the appointment

of a conference committee to consider the differences between the  
two houses; and that the House adopted the conference committee report

on H.B. No. 2473<sup>✓</sup> on (4) May 29<sup>✓</sup>, 1989, by a

non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: 'A;CT40;

I certify that H.B. No. 2473<sup>✓</sup> was passed by the Senate,  
(1)

with amendments, on (2) May 27<sup>✓</sup>, 1989, by a

viva-voce vote; at the request of the House, the Senate appointed a  
conference committee to consider the differences between the two houses;

and that the Senate adopted the conference committee report on  
H.B. No. 2473<sup>✓</sup> on (3) May 29<sup>✓</sup>, 1989, by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: 'A;CT41;



H. B. No.

2473

A BILL TO BE ENTITLED

AN ACT

relating to the composition and functions of the Texas Health and Human Services Coordinating Council and to the existence, composition, and functions of certain committees that advise the council.

By

*John D. ...*

MAY 12 1989

MAR 9 1989

1. Filed with the Chief Clerk.

MAR 28 1989

2. Read first time and Referred to Committee on

Human Services

APR 18 1989

3. Reported favorably (~~as amended~~) (as substituted) and sent to Printer at

8:45 pm

APR 27 1989

APR 28 1989

4. Printed and distributed at

7:22 pm

MAY 1 1989

5. Sent to Committee on Calendars at

LIC 7:55 am

MAY 12 1989

6. Read second time (~~amended~~); passed to third reading (~~failed~~) by (Non-Record Vote) (~~Record Vote of~~ as subs. years, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (~~failed~~) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (~~failed to suspend~~) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (~~Record Vote of~~ years, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (~~failed~~) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 12 1989

12. Ordered Engrossed at

2:15 pm

MAY 13 1989

13. Engrossed.

MAY 13 1989

14. Returned to Chief Clerk at

4:50 pm

MAY 15 1989

15. Sent to Senate.

*Betty Murray*  
Chief Clerk of the House

MAY 15 1989

16. Received from the House

MAY 16 1989

17. Read, referred to Committee on

HEALTH AND HUMAN SERVICES

18. Reported favorably

5-24

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

MAY 27 1989

21. Regular order of business suspended by

UC  
(a viva voce vote)

years, nays.

89 MAY 28 AM 2:27

22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 27 1989

23. Read second time amended passed to third reading by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

MAY 27 1989

24. Caption ordered amended to conform to body of bill.

MAY 27 1989

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,  
1 nays to place bill on third reading and final passage.

no session

MAY 27 1989

26. Read third time and passed by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

*Betty King*

Secretary of the Senate

MAY 27 1989

27. Returned to the House.

MAY 27 1989

28. Received from the Senate (with amendments.)  
(as substituted.)

MAY 29 1989

29. House (Concurred) (Refused to Concur) in Senate (Amendments) by (Non-Record)  
(Substitute) (Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
\_\_\_\_\_ not voting).

NOTION TO SUSPEND ALL NECESSARY RULES IN  
ORDER TO TAKE UP AND CONSIDER AT THIS TIME  
PREVAILED BY NON-RECORD VOTE.

MAY 29 1989

30. Conference Committee Ordered.

MAY 29 1989

31. Conference Committee Report Adopted (Rejected) by (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 29 1989

32. Ordered Enrolled at 11:35 PM

89 APR 28 PM 7:22 89 MAY 18 PM 4:50

62hlc